

**JOURNAL**  
**OF THE**  
**SENATE**  
**OF THE**  
**STATE OF ALABAMA**  
**REGULAR SESSION**  
**OF 1977**

**HELD IN THE CITY OF MONTGOMERY**  
**COMMENCING TUESDAY, FEBRUARY 1, 1977**



**Vol. 1**  
**WITH AN INDEX PREPARED BY THE**  
**SECRETARY OF THE SENATE**

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# CONTENT

To facilitate research in the Senate Journal, the following information is included at the end for your convenience:

1. List of registered lobbyists, with lobby group affiliation;
2. Legislative roster, listing names and addresses of all members of the current Legislature by district;
3. A listing of legislative days, with calendar dates and pages on which each day begins;
4. A topic index of general bills listed alphabetically by subject matter;
5. A topic index of local bills listed alphabetically by counties;
6. A topic index of resolutions;
7. A miscellaneous index, including all items not categorized as bills or resolutions;
8. A sponsor index, listing all Senate bills and resolutions alphabetically by author;
9. A Senate bill numerical index, with short titles; and
10. A House bill numerical index.



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**FIRST LEGISLATIVE DAY**  
**TUESDAY, FEBRUARY 1, 1977**

This being the first Tuesday in February, A. D., 1977, and the day fixed by law and the Constitution of the State of Alabama for the annual meeting of the Legislature of Alabama:

The Senate of Alabama assembled in the Senate Chamber in the City of Montgomery at 12 o'clock Noon, and was called to order by Lieutenant Governor Beasley, President and Presiding Officer of the Senate.

McDowell Lee, Secretary, was present and acted as such according to law.

**PRAYER**

The Session was opened with prayer by the Reverend Cecil E. Bradley, Pastor, St. James United Methodist Church, Montgomery, Alabama.

**ROLL CALL**

Present:

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

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**LEAVE OF ABSENCE**

On motion of Mr. Fine, leave of absence was granted Mr. Baker for today.

**COMMUNICATION FROM SECRETARY OF STATE**

The following certificate of election was read by the Secretary:

STATE OF ALABAMA  
DEPARTMENT OF STATE

I, Mrs. Agnes Baggett, Secretary of State of the State of Alabama, do hereby certify that it appears from the returns of the Special Elections held in 1976 to fill certain vacancies in the State Senate, received and canvassed in this Department in accordance with law, that the following named persons were elected to the State Senate to fill said vacancies in said State Senate, from three Districts as follows:

DISTRICT NO. 19—John A. Teague.

DISTRICT NO. 25—Wallace Miller.

DISTRICT NO. 29—Earl Goodwin.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State, at the Capitol, in the City of Montgomery, this the 1st day of February, One Thousand Nine Hundred and Seventy-seven.

MRS. AGNES BAGGETT,  
Secretary of State.

STATEMENT BY PRESIDING OFFICER

The President and Presiding Officer of the Senate made the following statement relative to the Oath of Office, to-wit:

The oath of office prescribed by the Constitution of the State of Alabama has previously been administered to the following members of the Senate certified elected by the Secretary of State, their credentials having been presented, and oath of office subscribed to by each Senator, to-wit:

Earl Goodwin

John A. Teague

Wallace Miller

REPORT OF THE STATE JUDICIAL  
COMPENSATION COMMISSION

The following report from the State Judicial Compensation Commission was received by the Secretary:

REPORT OF THE STATE JUDICIAL COMPENSATION  
COMMISSION TO THE 1977 REGULAR SESSION OF THE  
ALABAMA LEGISLATURE.

Comes now the State Judicial Compensation Commission created by Section 6.09 of Article VI of the Constitution of Alabama, as amended, and files this report with the Alabama Legislature within the first five days of the 1977 Regular Session as provided in said section of the Constitution, viz:

1. The Commission recommends to the Legislature of Alabama the following salaries and expense allowances to be paid from the state treasury for all judges of this state except probate judges:

a. The salary of the Chief Justice of the Supreme Court of Alabama shall be forty thousand dollars (\$40,000) annually, and the salary of each associate justice of the Supreme Court shall be thirty-nine thousand five hundred dollars (\$39,500) annually.

b. The salary of the presiding judge of the Court of Civil Appeals shall be thirty-eight thousand five hundred dollars (\$38,500) annually; and the salary of the presiding judge of the Court of Criminal Appeals shall be thirty-eight thousand five hundred dollars (\$38,500) annually; and the salary of each of the associate justices of the Court of Civil Appeals and of the Court of Criminal Appeals shall be thirty-eight thousand dollars (\$38,000) annually.

c. The salaries of the judges of the Circuit Courts of this state shall be thirty-six thousand five hundred dollars (\$36,500) annually; provided that all laws, general, special and local, providing for the payment of supplemental salaries, compensation, and expense allowances to circuit judges by any county or counties shall be repealed; provided further, that the total compensation of no judge of the circuit court, including the salary, compensation, and expense allowances paid by the state and paid by any county or counties, shall be diminished during his current term of office. If the local, special, or general laws providing for the payment by a county or counties of supplemental salaries, compensation, or expense allowances to the respective circuit judges of this state, are not repealed, then the Commission recommends that the salaries of the circuit judges shall be twenty-five thousand dollars (\$25,000) annually paid from the state treasury.

d. The salary of each district court judge shall be twenty-two thousand five hundred dollars (\$22,500) annually paid from the state treasury, until such time as all laws providing for the payment by any county or counties of any supplemental salary, compensation or expense allowance to judges of district courts have been repealed, at which time further consideration will be given by the Commission to the matter of the salaries of district court judges.

2. The Commission recommends that travel and other expenses of judges be paid as follows, subject to the approval of the Chief Justice of the Supreme Court of Alabama:

a. All state trial judges, including circuit, district and special judges, shall be reimbursed their necessary and reasonable expenses of travel, including, but not limited to, transportation costs, meals, lodging, registration fees, tuition fees and membership fees, whenever traveling on official business away from the place of their permanent office, whether within or outside their circuits or districts, or whenever ordered by the Chief Justice to attend a conference, seminar, college, institute, or other educational meeting within or outside the State of Alabama.

b. The judges and justices of the appellate courts shall be reimbursed their necessary and reasonable expenses of travel, including, but not limited to, transportation costs, meals, lodging, registration fees, tuition fees and membership fees when attending colleges, seminars,

conferences, conventions, or other meetings and official business away from the permanent seat of the court within or outside the State of Alabama.

c. Any circuit court judge, district court judge or other trial court judge, including retired or supernumerary judges of such courts, who is ordered by the Chief Justice to temporary duty in any court, or is authorized by the administrative director of courts to attend an educational conference or meeting, shall be entitled to be reimbursed the actual expenses of travel, including, but not limited to, transportation costs, meals, lodging, membership fees, registration fees and tuition fees.

Unanimously adopted and respectfully submitted this 28th day of January, 1977.

Charles M. Hohenberg, Chairman

Bailey Anderson

Thomas A. Johnston, III

William F. McDonnell

Received and Filed with the Senate of Alabama this the 1st day of Feb. 1977.

McDOWELL LEE,  
Secretary of the Senate.

The foregoing report by the State Judicial Compensation Commission was read and ordered spread upon the Journal.

#### COMMUNICATIONS

The following communications were received by the Secretary:

November 8, 1976

The Honorable McDowell Lee  
Secretary of Senate  
State Capitol  
Montgomery, AL 36130

Dear Mac:

Since the citizens of the Fifth Congressional District of Alabama have honored me with election to the United States House of Representatives, I hereby resign my office as State Senator, District 1, representing Lauderdale, Colbert, and Franklin Counties, effective 12:00 noon November 9, 1976.

It has indeed been a very high honor and a privilege to serve with you in Alabama government.

Sincerely,  
RONNIE G. FLIPPO.

December 6, 1976

Governor George C. Wallace  
Alabama State Capitol  
Montgomery, AL 36130

Dear Governor Wallace:

Having been elected Chief Justice of the Supreme Court of Alabama for a term beginning January 17, 1977, I do hereby irrevocably submit to you my resignation as State Senator, 22nd Senatorial District, representing Russell, and parts of Lee, Chambers and Barbour Counties, Alabama, effective midnight, January 16, 1977.

Yours very truly,

C. C. "BO" TORBERT, JR.

#### MESSAGE FROM THE HOUSE

Mr. President:

I have been directed by the House to advise the Senate that the House is now in session and is ready for the transaction of public business.

JOHN W. PEMBERTON,  
Clerk.

#### INTRODUCTION OF BILLS

The following Bills, having been pre-filed with the Secretary of the Senate under the provisions of Senate Rule 37, were severally read one time, and previous referrals by the President and Presiding Officer to appropriate Standing Committees were confirmed, as follows:

By Mr. Owen:

S. 1. To further amend Section 2 of Act No. 669, H. 792, General Acts of Alabama 1939 (General Acts of Alabama 1939, p. 1064), now appearing in the Code of Alabama 1940, Recompiled 1958, as Title 48, Section 301 (2) and commonly referred to as the Alabama Motor Carrier Act of 1939, as last amended, so as to exempt motor vehicles hauling dirt, sand, gravel or shells from the provisions of the act.

Committee on Commerce, Transportation,  
and Utilities.

By Mr. Owen:

S. 2. To provide that all liquefied petroleum gas which is purchased from gas fields in Alabama shall be either metered or weighed and an invoice showing the amount of gas purchased shall be given to the purchaser or his agent and prescribes penalties for the violation of the provisions of the act.

Committee on Commerce, Transportation,  
and Utilities.

By Messrs. Pearson and Owen:

S. 3. To levy a privilege or license fee on nursing homes; to prescribe the rates thereof; to provide for the issuance of a nursing home license; to provide for the method of collecting such fees and the method of enforcing payment thereof; to provide for the disposition of the proceeds of such fees; to make an annual appropriation for nursing home operation; to provide for an incentive reimbursement program; and to further regulate eligibility for Medicaid benefits.

Committee on Finance and Taxation.

By Mr. Owen:

S. 4. To validate the incorporation of public corporations attempted to be organized pursuant to Act No. 29, H. 44 of the 1970 Special Session (Acts 1970, Vol. III, p. 2630), where such attempts at incorporation fail because of procedural irregularity.

Committee on Rules.

By Mr. Owen:

S. 5. To amend Section 57 of Title 8, Code of Alabama, 1940, as amended, and pertaining to the appointment of deputy game and fish wardens, the requirements for appointment as a deputy warden, establishing the duties of deputy wardens, authorizing the Commissioner to revoke appointments, and clarifying the status of deputy game and fish wardens.

Committee on Conservation.

By Mr. Vacca:

S. 6. To amend the title and Section 1 of Act No. 1137, H. 1757, 1973 Regular Session (Acts of 1967, p. 1921; now appearing in Code of Alabama, Recompiled 1958, Title 36, Section 58 (74c)) entitled, "An Act To authorize the State Safety Coordinating Committee to allocate any of its funds to the Department of Education to establish a special fund to be designated as the 'Driver Education and Training Fund' for the express purpose of instituting and conducting a program of preclicensing driver education and training"; so as to extend the allocation of driver education funds to any educational institution in Alabama.

Committee on Finance and Taxation.

By Mr. Vacca:

S. 7. To provide that only certain standing committees of the House and Senate shall meet during the interim periods when the legislature is not in session to consider prefiled legislation and important problems facing the state; to provide for the compensation of the members of said committees while attending meetings.

Committee on Rules.

By Mr. Vacca:

S. 8. To provide for the appointment and supervision of security officers to be designated and empowered as state police officers for each house of the legislature.

Committee on State Government.

By Mr. Fine:

S. 9. To provide further for the administration, regulation, organization, and operation of the department of conservation and natural resources; creating a law enforcement division within said department by transferring all law enforcement personnel and property in the game and fish, marine police and marine resources divisions to such new division with its present and future funding to be provided by transferring funds from those named divisions at the same ratio such divisions are presently funding their law enforcement activities; to require that total game and fish law enforcement activities in protecting the resources shall not be diminished but shall be commensurate with funding and that such game and fish resources shall be further protected in accordance with Constitutional Amendment No. 272; to amend Act No. 763, H. 286 of the 1973 Regular Session and Act No. 206, H. 1, 1975 Third Special Session, as amended, to provide for payment in the department of conservation and natural resources, of law enforcement subsistence and longevity pay only to certain employees of the law enforcement division whose full-time employment is classified as law enforcement; to amend Section 10, Title 8, Code of Alabama 1940, so as to eliminate the authority of the commissioner of the department of conservation and natural resources to create additional divisions and to transfer duties and functions from and to existing divisions from time to time; to prescribe the authority and jurisdiction of employees of the law enforcement division; to abolish the marine police division and the bureau of outdoor recreation division; to abolish the positions of assistant division chief; to provide for the transfer of all hunter safety coordinator positions to the information and education section of the administrative division; to provide that all wildlife refuge managers hired have a bachelor of science degree in the field of wildlife management; to provide that the assistant director of conservation and natural resources supervise the administrative division; to merge the personnel section into the accounting section of the administrative division; to transfer the properties, functions, duties and funds of the wildlife section to the Pittman-Robertson section; and to repeal conflicting laws.

Committee on Rules.

By Mr. Littleton:

S. 10. To provide for the salaries of the Chief Examiner of Public Accounts and the Assistant Chief Examiner of Public Accounts.

Committee on State Government.

By Mr. Fine:

S. 11. To provide for an automatic pay increase to state, county, and municipal employees who pass the certified professional secretary examination.

Committee on Rules.

By Mr. Fine:

S. 12. To further prescribe certain acts which shall be considered the illegal baiting of doves.

Committee on Conservation.

By Mr. Fine:

S. 13. To allow the Division of State Parks, Monuments and Historical Sites of the Department of Conservation and Natural Resources to advertise state-owned parks within and outside the State of Alabama.

Committee on Conservation.

By Mr. Owen:

S. 14. To amend the Title and Sections 1, 4, 7, 8, 9, 12, 14, 15, 20 and 21 of the Alabama Turnpike Authority Act, pertaining, respectively, to Legislative Purpose, Powers of the Authority, Bonds and Notes of the Authority, Security for the Bonds, Tolls and Other Charges, Exemptions from Taxation, Projects to be Kept in Good Repair, Regulations and Police Service for Projects, Refunding Bonds and Preliminary Study of Projects.

Committee on Finance and Taxation.

By Mr. Vacca:

S. 15. Prohibiting any state agency from using the barter or similar system for acquiring goods or services; providing that each state agency must record each sales transaction and each purchase transaction; providing that each state agency return to the appropriate fund in the state treasury all revenues generated by sales transactions; and prescribing penalties for violations of the provisions of this act.

Committee on Rules.

By Mr. Owen:

S. 16. Requiring certain owners of citizen band radios to display the bill of sale for such radio in their automobile or other motor vehicle in which said radio is located and provides for penalties for the violation of the provisions of this act.

Committee on Rules.

By Mr. Owen:

S. 17. To make appropriations for the support and maintenance of certain private schools and institutions of higher learning located in the State of Alabama for the fiscal year ending September 30, 1977.

Committee on Finance and Taxation.

By Mr. Baker:

S. 18. To provide for distinctive motorcycle license plates for Shrine motorcycle club, corps or unit members; to provide for the design of such license plate; and to provide a procedure for issuance thereof.

Committee on Finance and Taxation.



By Mr. Owen:

S. 19. Proposing an amendment to the Constitution of Alabama further amending Section 144, Article VI, of the Constitution of Alabama; providing for a Probate Court in each county, with general jurisdiction of orphans' business, and adoptions, and with power to grant Letters Testamentary, and of Administration and of Guardianships, and such further jurisdiction as may be provided by law.

Committee on Local Government.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Owen:

S. 20. To further amend Section 712 of Title 51 of the Code of Alabama 1940 as heretofore amended so as to extend by ten days the time allowable for disbursing the money the probate judge receives in respect of motor vehicle licenses and registration fees and to extend by ten days the time allowable to the probate judge for forwarding to the Comptroller and the Department of Revenue a certified list of all motor vehicle licenses issued by the probate judge during the preceding month.

Committee on Local Government.

By Mr. Owen:

S. 21. To further amend Section 847 of Title 51 of the Code of Alabama 1940 as heretofore amended by extending each of the time limits set out in said Section 847 by an additional ten days.

Committee on Local Government.

By Mr. Owen:

S. 22. To provide for distinctive motorcycle license plates for Shrine motorcycle club, corps or unit members; to provide for the design of such license plate; and to provide a procedure for issuance thereof.

Committee on Finance and Taxation.

By Mr. Owen:

S. 23. To regulate lobbying by certain state employees; to require registration and recording of attendance; to impose penalties for failure to comply herewith; and to set out partial exemptions for certain classes of persons.

Committee on Finance and Taxation.

By Mr. Owen:

S. 24. To prohibit the use of state vehicles by state employees, appointed or merit system, except when on official duty for the state; and providing penalties for violations.

Committee on Finance and Taxation.

By Mr. Owen:

S. 25. To amend further Act No. 763, H. 286, Regular Session, 1973 (Acts 1973, p. 1145), which relates to subsistence allowances for law enforcement officers while on duty and to authorize expenditure of funds for that purpose, so as to add the State Department of Revenue and the Department of Finance, Division of Service.

Committee on Finance and Taxation.

By Mr. Owen:

S. 26. To require written approval by the Sunset Committee of any and all newly proposed agencies of state government.

Committee on Finance and Taxation.

By Mr. Owen:

S. 27. To require quarterly fiscal reports by certain state agencies.

Committee on Finance and Taxation.

By Mr. Owen:

S. 28. To require approval by the Building Commission and Director of Finance of any and all state property lease agreements.

Committee on Finance and Taxation.

By Mr. Vacca:

S. 29. To amend further Act No. 763, H. 286, Regular Session 1973 (Acts 1973, p. 1145), which relates to subsistence allowances for law enforcement officers while on duty and to authorize expenditure of funds for that purpose, so as to add Department of Finance, Division of Service.

Committee on Finance and Taxation.

By Mr. Fine:

S. 30. To amend section 1 of Act No. 763, H. 286, 1973 Regular Session (1973 Acts, p. 1145), as amended, so as to provide for the definition of the intent of the Legislature regarding the purpose of the Act and to set forth certain instructions to the State Department of Revenue; and to give retroactive effect to September 5, 1973.

Committee on Finance and Taxation.

By Mr. Owen:

S. 31. To amend Section 1 of Act No. 588, S. 52, 1963 Regular Session (Acts of 1963, p. 1285; now appearing in Code of Alabama, Recompiled 1958, Title 55, Section 15(1) ), entitled "An Act To prevent nepotism in state service, prohibiting any officer or employee of the state or state agencies from appointing persons related to him to any office or position of profit with the state or any agency thereof, and prescribing penalties," so as to allow clerks of the circuit courts and judges of probate of the State to appoint at any time as court personnel any person who was an employee in such offices at any time prior to the implementation of Act No. 1205 of the 1975 Regular Session, effective October 1, 1977.

Committee on Finance and Taxation.

By Mr. McMillan:

S. 32. To prescribe regulations relative to the preparation and publication of reports to be issued for public circulation by all state agencies, commissions and departments.

Committee on Finance and Taxation.

By Mr. St. John:

S. 33. To provide an entirely new criminal code for the State of Alabama; defining offenses, fixing punishment; repealing numerous specific code sections and statutes that conflict herewith as well as all other laws that conflict with this act.

Committee on Judiciary.

By Mr. Owen:

S. 34. To provide for the organization and operation of a state-local fiscal system to administer state aid to local governments; and to prescribe certain duties and responsibilities to be performed by the legislative fiscal office in administering such fiscal system.

Committee on Finance and Taxation.

By Mr. Owen:

S. 35. To require that public hearings be conducted on a state budget prior to its adoption; to provide for rules, regulations and procedure for conducting such hearings; and to provide that the first of such hearings be conducted on the budget for the fiscal year beginning October 1, 1978.

Committee on Finance and Taxation.

By Mr. Owen:

S. 36. To provide for creation of a State Energy Development Commission; to provide definitions; to provide legislative findings and a declaration of policy; to provide for appointment, terms, and expenses of members of the Commission; to provide for meetings and officers of the Commission; to provide for powers and duties of the Commission; to provide for rules and regulations; to provide for certain procedures and appropriations to the Commission; to provide for powers and authority of the legislature under this act; to provide for creation and powers of a Joint Overview Committee on Energy Development; to provide for termination of the provisions of this act; to provide for review of forms; to provide reporting requirements; and to provide for notice to apply for federal assistance.

Committee on Finance and Taxation.

By Mr. Owen:

S. 37. To create an advisory committee on local governments financial management practices for the purpose of providing to the governor, the legislature and state agencies the necessary communication

and assistance to implement improved financial management systems in local governments; to provide for the appointment of the members of the committee; and to make an appropriation.

Committee on Finance and Taxation.

By Mr. Roberts:

S. 38. To direct the state department of education to establish and maintain public kindergarten programs as an integral part of the public schools in Alabama, and to provide an appropriation from the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1978.

Committee on Finance and Taxation.

By Mr. Owen:

S. 39. To further define the authority, duties, powers and responsibilities of the State Auditor and the Department of Examiners of Public Accounts so as to reduce audit overlap and expense at all levels of government; to provide for the periodic review by an independent public accounting firm of the operations, programs and procedures of the State Auditor's office and the Department of Examiners of Public Accounts; and to repeal conflicting laws.

Committee on Finance and Taxation.

By Messrs. Owen and King:

S. 40. To provide for holding a convention to revise and amend the Constitution of this state.

Committee on Constitution and  
Elections.

The above Bill was read a first time at length as required by the Constitution.

By Messrs. Owen, Pearson and Clemon:

S. 41. To make appropriations for support and maintenance of the Tuskegee Institute, located in Macon County.

Committee on Finance and Taxation.

By Mr. Bank:

S. 42. Proposing an amendment to the Constitution of Alabama restricting all odd-year regular sessions of the legislature to the subjects of local legislation and the budget, commencing with the 1979 regular session of the Legislature.

Committee on Constitution and  
Elections.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Bank:

S. 43. To propose an amendment to the Constitution of Alabama repealing "The Annual Sessions Amendment" to such Constitution and reinstating all the provisions of the Constitution governing dates and times of meetings of the legislature and lengths or duration of regular and special sessions thereof; and to make an appropriation to be used in defraying the expenses of the election on this proposed amendment.

Committee on Constitution and  
Elections.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Bank:

S. 44. To amend Sections 93, 95, 96, 97 and 98 of Title 55, Code of Alabama of 1940, to provide that the governor shall transmit the budget to the legislature on a biennial basis in odd-numbered years.

Committee on Constitution and  
Elections.

By Mr. Bank:

S. 45. Providing further for the registration of voters, providing for additional times and places for the meeting of the boards of registrars and amending existing state laws so as to be consistent therewith.

Committee on Education.

By Mr. St. John:

S. 46. To amend Section 20 of Act No. 551, Regular Session 1975, the Act known as the "Alabama Surface Mining Reclamation Act of 1975", so as to provide for a 1,000 feet setback of coal surface mining from specific scenic and recreational rivers in Alabama and from Lake Tuscaloosa.

Committee on Commerce, Transportation,  
and Utilities.

By Mr. St. John:

S. 47. Relating to disposition of dead human bodies by cremation; providing legislative intent; providing definitions; authorizing the department of public health to issue permits to engage in the disposition of dead human bodies by cremation without the services of either a funeral director or an embalmer; providing for the adoption of rules by the department; providing procedures for application; providing for application, permit, and supplemental permit fees; providing for issuance, renewal, and bonding of permits; providing grounds for suspension and revocation of permits; providing penalties; providing for injunctive relief; providing an effective date.

Committee on Health and Welfare.

By Mr. Stewart:

S. 48. Regulating certain marital relationships; providing that the status known as common law marriage shall not exist after the effective date of this Act.

Committee on Judiciary.

By Mr. Bank:

S. 49. To amend Section 2 of Act No. 512, S. 128, Regular Session 1976 (Acts 1976, p. 640) so as to exempt from the application of the Alabama Sunset Law of 1976 institutions of higher education.

Committee on Finance and Taxation.

By Mr. Owen:

S. 50. Proposing an amendment to the Constitution of Alabama establishing a Board of Regents of state institutions of higher learning; and repealing Section 264 of Article 14 of the Constitution of Alabama of 1901 and Amendment 161 of the Constitution of Alabama.

Committee on Finance and Taxation.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Owen:

S. 51. To reorganize the state institutions of higher learning under the management and control of a Board of Regents of State Institutions of Higher Learning; and to provide for the powers, duties and authority of such Board of Regents.

Committee on Finance and Taxation.

By Messrs. Bank and Owen:

S. 52. To repeal Title 9, Section 21, Code of Alabama, 1940, which makes certain Sunday contracts void.

Committee on Judiciary.

By Mr. McMillan:

S. 53. To provide standards for the commutation of time for certain prisoners for good behavior at the discretion of the board of corrections with the prescriptions herein provided; to provide that such good time earned apply toward parole eligibility; to enunciate the legislative intent relative to such commutation of time; to expressly repeal Act No. 534, S. 353 of the 1943 Regular Session (Acts 1943, p. 508) and Act No. 182, S. 442 of the 1976 Regular Session and any conflicting statutes; and to prohibit any retroactive effect of the provisions herein.

Committee on Judiciary.

By Mr. Edwards:

S. 54. To provide further for the organization, admission, consolidation, merger and dissolution of certain corporations, and to prescribe the powers, authority and duties of such corporations, and of the

officers, directors and shareholders thereof; subject to the provisions of Section 188 of this Act, to repeal Sections 1 through 86, and 90 through 101 of Act No. 414, General Acts of Alabama, Regular Session 1959, as amended; and Sections 132 through 137 of Title 13 of the Code of Alabama of 1940.

Committee on Judiciary.

By Mr. Edwards:

S. 55. To amend Section 697 of Title 51 of the Code of Alabama 1940, as amended, so as to make further provisions with respect to motor vehicle licenses and registration fees.

Committee on Commerce, Transportation,  
and Utilities.

By Mr. Edwards:

S. 56. To name the new classroom building at John C. Calhoun State Community College the Bob Harris Building.

Committee on State Government.

By Mr. Edwards:

S. 57. To prohibit any state, county, or municipal agency from establishing a minimum retail price on milk or other dairy products; to provide criminal penalties and civil remedies for retailers, distributors, and producers engaging in certain unfair trade practices as defined herein; and to provide supplemental effect for said Act.

Committee on Agriculture.

By Mr. Vacca:

S. 58. To be known as the Alabama Rules of the Road Act, providing rules of highway and traffic safety, establishing general rules relating to the effect of traffic laws, establishing certain traffic laws and penalties for the violation thereof, providing for the establishment of traffic signs, signals and markings, and providing for certain powers of the state highway department and the department of public safety of this state; repealing numerous specific code sections and statutes that conflict herewith as well as all other laws that conflict with this act.

Committee on Judiciary.

By Mr. Baker:

S. 59. Proposing an amendment to the Constitution of Alabama to provide a retirement pension for certain former governors of the State.

Committee on Constitution and Elections.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Owen:

S. 60. To amend Sections 39 and 40 of Title 8, Code of Alabama of 1940, by providing for certain increases in non-resident fishing license fees; establishing an issuance fee for non-resident licenses; providing for the

distribution of the revenue obtained by such increase; providing for the deletion of any reference as to race from the application for said licenses and providing that such licenses may be used for fishing in any fresh, salt or brackish waters in this state.

Committee on Finance and Taxation.

By Mr. Owen:

S. 61. To make an appropriation to the Governor's Mansion Advisory Board.

Committee on Finance and Taxation.

By Mr. Powell:

S. 62. To authorize and provide for the issuance of revenue bonds for the purpose of providing for the construction, reconstruction, improvement, alteration, enlargement and equipment of public office building facilities and of annexes, additions and enlargements of such buildings and for the acquisition of sites therefor; to authorize and provide for the establishment of a public corporation, to be known as the Alabama Capitol Building Authority, to issue such bonds; to provide that a part of the proceeds of such bonds shall be used by the authority established hereunder for the purpose of providing such public office building or buildings for the legislative branch of the government of the State of Alabama, that a part of such proceeds shall be used by the Alabama Building Authority for the purpose of constructing, altering and improving the public office building facilities heretofore constructed by such authority or for constructing and equipping of annexes, additions or enlargements of such building, and the remainder of the proceeds of such bonds shall be used by the Alabama Building Finance Authority for the purpose of constructing, altering and improving public office building facilities heretofore constructed by such authority or for constructing and equipping of annexes or additions to such buildings; to authorize the issuance of refunding bonds; to provide for the investment of the proceeds from the sale of such bonds; to provide that all properties procured, constructed or improved or enlarged with the proceeds of any bonds hereby authorized and the income therefrom and all bonds issued pursuant to this act and the income therefrom and all leases made and all lien notices filed relative to buildings or additions constructed, altered, improved or equipped pursuant to this act, shall be exempt from all taxation in the State of Alabama; to provide that such bonds shall constitute negotiable instruments; to provide that such bonds shall be payable solely out of revenues of the several authorities, respectively, and shall not create an obligation or debt of the state; to provide that any bonds issued pursuant to this act may be used as security for deposits and investment of public funds and fiduciary funds; to specify the application of the proceeds of the bonds issued pursuant to this act; to provide for the construction of public office building facilities, the alteration, construction of annexes or additions to, and improvement of public office building facilities and for the equipment of such facilities or additions thereto by the several authorities above listed; to authorize the conveyance to each of said authorities of lands owned by the State; to create a reserve fund for the benefit of the bonds issued pursuant to this act; to authorize the authority established hereunder to pledge such revenues from any facilities constructed under authority of this act as may be necessary to pay the



principal of and interest on its bonds; to authorize the filing for record of an instrument reciting the issuance of said bonds and the creation of said pledge as a lien on said revenues which filing will constitute constructive notice; to provide that the state treasurer shall be the custodian of the funds of the authority; to provide for the lease to and by agencies, boards, commissions, public corporations, bureaus and departments of the State of Alabama and of the United States, and private parties of space for occupancy in said facilities or additions thereto; and to authorize publication of notice of each resolution authorizing any bonds or pledge and to specify a limitation of time thereafter for actions or defenses respecting said bonds or pledge.

Committee on Finance and Taxation.

By Mr. Owen:

S. 63. To further amend Section 2 of Act No. 343, H. 71 of the 1957 Regular Session, as amended, to further regulate competitive bidding on public contracts for engineering consulting services for the state highway department.

Committee on Finance and Taxation.

By Mr. Owen:

S. 64. To regulate education leave for classified employees in state service.

Committee on Finance and Taxation.

By Mr. Owen:

S. 65. To prescribe that any person traveling by commercial airline in the authorized service of the state shall be reimbursed for such transportation in any amount not to exceed the tourist fare.

Committee on Finance and Taxation.

By Mr. Edwards:

S. 66. To authorize any county or incorporated municipality to issue revenue bonds under the provisions of Subdivision 3 of Article 2 of Chapter 6 of Title 37 of the Code of Alabama of 1940, as amended, for the purpose of refunding the principal of any outstanding general or limited obligation warrants of any such county or incorporated municipality issued (directly or indirectly) for the purpose of financing the acquisition, improvement, enlargement, extension or repair of any water works system, gas system, electric system or sanitary sewer system or that were issued to refund any general or limited obligation warrant or warrants initially issued (directly or indirectly) for any such purpose or purposes, as well as for the combined purpose of refunding the principal of any such general or limited obligation warrants and any other purpose or purposes specified in Section 312 of Title 37 of the Code of Alabama of 1940, as amended.

Committee on Local Government.

By Mr. Edwards:

S. 67. To further regulate the operation of a motorcycle, motor scooter or any other two-wheel motorized vehicle on a public highway, road or street; and to provide punishment for violating the provisions of this act.

Committee on Commerce, Transportation,  
and Utilities.

By Mr. McMillan:

S. 68. To provide for penalties increasing the sentences for certain dangerous special offenders; to provide for certain procedures for determining the severity and review of sentences, and to authorize the Attorney General of Alabama to establish and maintain a repository for records of convictions.

Committee on Judiciary.

By Mr. Powell:

S. 69. To amend the title and Section 18 of Act No. 205 of the 1955 Regular Session of the Legislature of Alabama (Acts of 1955, p. 500), which Act authorizes and regulates the incorporation of the Alabama Building Authority, a public corporation for the purpose of borrowing money, issuing bonds and using the proceeds thereof for acquiring land and constructing, operating and maintaining, or causing to be constructed, operated and maintained, an office building or buildings, with the space therein to be rented to officers, agencies, boards, commissions, corporations and bureaus of the State of Alabama and of the United States, so as to provide that the Authority set up by that Act shall not be dissolved until all securities issued and obligations incurred by it have been paid in full.

Committee on Finance and Taxation.

By Mr. Powell:

S. 70. To amend the title and Section 25 of Act No. 658 of the 1961 Regular Session of the Legislature of Alabama (Acts of 1961, p. 806), which Act authorizes and regulates the incorporation of the Alabama Building Finance Authority, a public corporation for the purpose of borrowing money, issuing bonds and using the proceeds thereof for the constructing, reconstructing, improving, altering, and equipping of public office buildings and the acquisition of sites therefor, so as to provide that the Authority set up by that Act shall not be dissolved until all securities issued and obligations incurred by it have been paid in full.

Committee on Finance and Taxation.

By Mr. Waldrop:

S. 71. To amend the Alabama Civil Defense Act, Act No. 47, Regular Session 1955 (Acts 1955, p. 267, now appearing as Title 37A, Sections 19(66)-19(90), Code of Alabama, 1940, Recompiled 1958), so as to authorize state grants for local civil defense and emergency preparedness programs.

Committee on Finance and Taxation.

By Mr. Jones:

S. 72. To revise the present bail system, establishing four kinds of bail (PERSONAL RECOGNIZANCE, CASH, PROPERTY, PROFESSIONAL SURETY); and to establish rules, regulations, and laws to guarantee that all persons, regardless of the financial or social status, shall not needlessly be detained pending their appearance to answer charges; and to update laws which regulate bail bond companies; and to establish more lenient property bail; and said act shall be known as "The Alabama Bail Reform Act of 1977."

Committee on Judiciary.

By Mr. King:

S. 73. To propose and provide for the submission of a constitutional amendment to the Constitution of Alabama of 1901, as amended, relating to the County of Madison.

Committee on Local Legislation No. 1.

The above Bill was read a first time at length as required by the Constitution.

By Mr. King:

S. 74. To propose and provide for the submission of a constitutional amendment to the Constitution of Alabama of 1901, as amended, relating to the City of Huntsville.

Committee on Local Legislation No. 1.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Little:

S. 75. To make appropriations from the Alabama Special Education Trust Fund for the support and maintenance of the Lyman Ward Military Academy located at Camp Hill, Alabama for the current fiscal year and for the fiscal year ending September 30, 1978.

Committee on Finance and Taxation.

By Mr. McMillan:

S. 76. To amend the title and Section 2 of Act No. 757, S. 606 of the 1976 Regular Session, which act relates to constables serving civil processes, so as to withdraw the constable's exclusive authority to serve such processes and to remove the constitutional conflict with the Alabama Rules of Civil Procedure, Act No. 1311, S. 234 of the 1971 Regular Session (Acts 1971, Vol. III, p. 2259).

Committee on Judiciary.

By Mr. McMillan:

S. 77. To provide that communications between interpreters of any language and their communicants shall be privileged communications.

Committee on Judiciary.

By Mr. Edwards:

S. 78. To name the National Guard Armory in Decatur the Fort Quarles-Flowers Armory.

Committee on State Government.

By Mr. King:

S. 79. To provide that each local school board, city and county, shall establish standards of proficiency to evaluate student progress in the performance of basic skills for students attending schools within its school district; to provide that the state department of education shall assist the local school board by prescribing minimum academic and proficiency standards, including performance indicators; to provide that each school shall report the results of student performance assessments to the local school board; and to provide that each local school board shall have the authority to prescribe such reasonable rules and regulations as are necessary to implement the provisions of this act.

Committee on Education.

By Mr. Edwards:

S. 80. To provide for the classification into five degrees of the unlawful sale of various controlled substances and provides for the penalties for the unlawful sale of the various controlled substances.

Committee on Health and Welfare.

By Mr. St. John:

S. 81. To reopen the Employees' Retirement System of Alabama for prior service for certain members in certain counties who are precluded from obtaining credit for such service for reasons other than non-membership; providing that as a prerequisite to such credit members must, on October 1, 1977, be an active and contributing member of the Employees' Retirement System of Alabama and in the active service of the employer for whom such prior service was rendered; and providing that employers participating in the retirement system shall pay such employer costs as are necessary with respect to their employees subject to this Act.

Committee on Finance and Taxation.

By Mr. Edwards:

S. 82. To amend Act No. 539, §6, 1975 Acts, by requiring the director of public safety to mail a notice of expiration and application for renewal to each motor vehicle licensee.

Committee on Judiciary.

By Mr. McMillan:

S. 83. To provide for the conservation, management, enhancement and protection of non-game wildlife and plants and endangered or threatened species thereof; and to provide enforcement authority and penalty for violation of the provisions of this act.

Committee on Conservation.

By Mr. Jones:

S. 84. Relating to criminal procedure; to prescribe procedure whereby the trial judge in a case involving felonious injury to the person or property of another shall assess and render a judgement for the amount of monetary damages resulting therefrom; to provide that such judgment shall not be subject to any statute of limitations and to provide for an appeal of such judgement.

Committee on Judiciary.

By Mr. Bank:

S. 85. A bill to promote the public health of the State of Alabama by safeguarding the financial integrity of health care institutions against malpractice claims; to authorize the establishment, maintenance, administration and operation of any trust established by hospitals or health care units, licensed as such by the State of Alabama, as grantors and as beneficiaries, for the purpose of insuring against general public liability claims based upon acts or omissions of such hospitals or health care units, including without limitation, claims based upon malpractice; to amend Section 12 of Act No. 407, Acts of Alabama, 1971 Regular Session (Section 12, Title 28A, Alabama Code of 1940, as amended), and particularly Section 12 thereof so as to exempt such insurance trust operations from all of the provisions of that title and of the Alabama Insurance Code; to limit the obligations and liabilities of any hospital or health care unit participating in such a trust to the obligation to pay the contributions required of it by any trust agreement to which it is a party; and to provide that this act shall apply to and shall confer all rights, privileges, exemptions and immunities upon any trust established for the purposes contemplated by this act, and the grantors, members, beneficiaries, participants and trustees thereof, whether such trust was established before or after the effective date of this act.

Committee on Health and Welfare.

By Mr. Bank:

S. 86. To provide that any individual, group, or hospital service corporation policy of health insurance which is issued within this state, whether written for single or family coverage, shall include provisions for complete maternity care of women and their fetuses.

Committee on Health and Welfare.

By Mr. Bank:

S. 87. To repeal Title 9, Section 21, Code of Alabama 1940, which makes certain Sunday contracts void.

Committee on Judiciary.

By Mr. Bank:

S. 88. To repeal Sections 420, 421, and 422 of Title 14, Code of Alabama 1940, Recompiled 1958, relative to certain acts which are prohibited on Sundays.

Committee on Judiciary.

By Mr. Mitchell:

S. 89. To create a public employees insurance program which provides health and accident insurance coverage for certain public employees in this state; create a board to administer and effectuate the programs herein provided; prescribe the powers and duties of such board, and provide for funding from the state general fund, Alabama Special Educational Trust Fund to finance the program, and any other funds from which state employees' salaries are paid.

Committee on Insurance.

By Mr. King:

S. 90. To prohibit any state, county, or municipal agency from establishing a minimum retail price on milk or other dairy products; to provide criminal penalties and civil remedies for retailers, distributors, and producers engaging in certain unfair trade practices as defined herein; and to provide supplemental effect for said Act.

Committee on Agriculture.

By Mr. Edwards:

S. 91. To provide that any qualified elector who lives within the police jurisdiction of any municipality and who is taxed by such municipality shall be entitled to vote at any municipal election held by such municipality.

Committee on Local Government.

By Mr. Shelby:

S. 92. To provide that persons convicted three times for certain violent criminal acts shall be imprisoned for natural life without benefit of parole, probation, suspension of sentence, or credit for good behavior; and to provide that the provisions of this act shall apply exclusively where the offense is also punishable under other provisions of law.

Committee on Judiciary.

By Mr. Powell:

S. 93. To amend Section 158 of Act 407, HB 198, Regular Session, 1971 (Acts of Alabama, 1971, Volume II, Page 792, as amended), which regulates the licensing of insurance agents, by limiting the persons to whom licenses may be issued and establishing qualifications required for said persons to be issued a license.

Committee on Insurance.

By Mr. Jones:

S. 94. Relating to counties having a population of not less than 150,000 nor more than 180,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide that certain homebaked or homemade goods shall not be subject to the regulations of any state or county health department.

Committee on Local Legislation No. 1.

By Mr. Mims:

S. 95. To further amend Section 85 of Title 22 of the Code of Alabama 1940 (Recompiled 1958), as last amended, which relates to the promulgation and enforcement of rules and regulations for the operation of food-handling, processing and selling establishments; so as to provide an exception as to certain home baked, canned or prepared goods.

Committee on Agriculture.

By Mr. Owen:

S. 96. To further regulate allowances payable for expenses, transportation and mileage of certain persons, travelling within or outside of the State of Alabama, attending a convention, association or meeting when the person is in the service of the State, its agencies, departments or institutions; to require each agency, department, or institution of the State to include certain data pertaining to such travel in its annual report to the legislature; and to prescribe penalties for any director, department head or supervisor who violates the provisions of this Act.

Committee on Finance and Taxation.

By Mr. Owen:

S. 97. To further regulate and control the usage of state-owned motor vehicles; to prescribe that each agency, department, or institution shall include certain data pertaining thereto in its annual report to the legislature; and to prescribe penalties for the violations of the provisions of the act.

Committee on Finance and Taxation.

By Mr. Owen:

S. 98. To further amend and re-enact Act No. 471, S. 189 of the 1969 Regular Session (Acts 1969, p. 914), as amended (now appearing in Code of Alabama of 1940, as amended, in Title 55, Section 531, et seq.), entitled, "An Act To provide for the regulation and control of state-owned motor vehicles for official use by state officers and employees; to limit the number, cost and use of such vehicles, to provide for a transportation pool and to fix the responsibility for the maintenance and repair of vehicles therein; to establish a revolving fund for the use of the transportation pool, providing for the payment of certain fees and charges for the use of pool cars to be paid into such fund and appropriating state funds therefor; to provide for the administration and enforcement of this act and to prescribe penalties for violations; to ratify all acts of the Governor and finance director in establishing a transportation pool and to validate the transfer of funds allocated to state departments for the acquisition of automobiles to the finance department for the establishment of a transportation pool; so as to place certain limitations on the size of such vehicles to be purchased for use by any employee, official or officer of the state except certain law enforcement personnel and constitutional officers and to exclude junior college and technical institute presidents from the provisions of this act," for the purpose of adding new provisions requiring each agency, department or institution to include specific data pertaining to motor vehicle usage in its annual report to the legislature and to renumber Sections 8, 9, 10, 11, 12 and 13.

Committee on Finance and Taxation.

By Mr. Stewart:

S. 99. To regulate the practice of counselors in Alabama; to create a Board of Examiners in Counseling; to prescribe the duties and powers of said Board; to provide for the examination and licensure of counselors and the examination and certification of counselor associates; to fix penalties for the violation of this Act; to impose licensure and certification fees and to provide for the use of funds received.

Committee on Finance and Taxation.

By Mr. Stewart:

S. 100. Relating to retardation; creating "The Bill of Rights of Retarded Persons"; providing legislative intent; providing definitions; providing certain rights relating to the type and manner of services to be received by persons, or "clients", admitted to the Department of Mental Health for receipt of its services; providing civil liability for persons who violate or abuse any rights or privileges of a client; providing certain exceptions from liability; requiring the Department of Mental Health to provide each client or his parent or legal guardian with a written copy of the act; requiring each residential facility operated by the division to develop a program of resident government to represent resident interests; entitling persons involuntarily admitted to the division or their parent or legal guardian to a writ of habeas corpus for certain purposes; requiring the Department of Mental Health to reassess persons certified to the Department for services not less than once each year; requiring the division to provide each client with an individual habilitation plan; providing for the supervision of the plan by one specialist; requiring the division to make an annual report of progress of each client; requiring the Department of Mental Health to develop a plan to implement the act; providing for the establishment and powers of a statewide Human Rights Advocacy Committee; providing that, in general, the provisions of the act apply to all facilities, whether or not in or operated by the Department of Mental Health, caring or purporting to care for mentally retarded persons and receiving funds from any State or local governmental bodies; and providing an effective date.

Committee on Health and Welfare.

By Mr. McDonald (A):

S. 101. To provide further regulation for the setting of the minimum retail price of milk.

Committee on Agriculture.

By Mr. McDonald (A):

S. 102. To amend further Code of Alabama 1940, Title 51, Section 2, as amended, so as to provide for the exemption from ad valorem taxation of all improvements to real estate designed and installed for the specific purpose of providing solar energy for heating, cooling and all other applications.

Committee on Finance and Taxation.



By Mr. McDonald (A):

S. 103. To provide that all businesses, with certain necessary exceptions, shall not be allowed to operate on both the two consecutive days of Saturday and Sunday; to provide that all counties shall have the option, by election, to be either exempt from or subject to the provisions of this act; to provide for criminal penalties for violators of this act, and to repeal Sections 420, 421, and 422 of Title 14, Code of Alabama, 1940; Section 346 of Title 55, Code of Alabama, 1940; Act No. 102, S. 115, p. 130, 1949 Regular Session, as amended and all other local or statewide laws or parts of laws which conflict herewith.

Committee on Judiciary.

By Mr. McDonald (A):

S. 104. To authorize the board of trustees of the University of Alabama in their discretion, to name the ambulatory care center building of the School of Primary Medical Care of the University of Alabama in Huntsville in honor of any person, living or dead.

Committee on Finance and Taxation.

By Mr. McDonald (A):

S. 105. Providing further for the residency requirement at institutions of higher learning for any student if one of the student's parents or legal guardians is either an employee of a United States Senator or Congressman representing this state or an officer or employee of the Executive Branch of the federal government on appointment by the President of the United States.

Committee on Finance and Taxation.

By Mr. McDonald (A):

S. 106. To permit schools and non-profit institutions to purchase milk and other products distributed by dairy producers in accordance with provisions of the Alabama Bid Law, Act No. 217, S. 23, 1967 Special Session (Acts of 1967, p. 259; now appearing in Code of Alabama, Recompiled 1958, Title 55, Section 506), to stipulate that milk and other products distributed by dairy producers sold to these agencies must be provided by Alabama producers, if available.

Committee on Agriculture.

By Mr. Bank:

S. 107. To further amend Section 2 of Act No. 1056, S. 1, Regular Session of the Legislature of 1973, as amended, referred to as "The State Ethics Act," by rewriting subsection (k) of said Section 2, to redefine the term "public official" so as to eliminate from said definition the appointed members of all municipal and county committees, boards and other like authorities.

Committee on Local Government.

By Mr. Ellis:

S. 108. To regulate the settlement of insurance claims which are in dispute; to authorize the Commissioner of Insurance to appoint an arbitration party and to formulate, promulgate and issue such reasonable rules and regulations necessary to implement the provisions of this act.

Committee on Insurance.

By Mr. Ellis:

S. 109. Providing that any person who impersonates any law enforcement officer shall be guilty of a felony.

Committee on Judiciary.

By Mr. Bank:

S. 110. A bill to regulate and promote the public health and to bring the laws of Alabama into conformity with PL 93-641, The "National Health Planning and Resources Development Act of 1974" (42USC300-k, et seq.); designate the State Board of Health as the State Agency to administer a Certificate of Need program relating to the provision of health care facilities and services in Alabama; to control and regulate the development of health care facilities and services in such manner and to such degree as to meet the needs of the people of Alabama; to provide a method of cost containment of health care costs; to authorize the State Board of Health to adopt necessary rules, regulations and standards for the review of proposed health care facilities and services and for the issuance of Certificates of Need to those persons proposing health care facilities and services; to designate the Statewide Health Coordinating Council as the agency to advise and consult with the State Board of Health in the promulgation and adoption of rules, regulations and standards, and for the administration of the Certificate of Need program; to establish a Health Facilities Review Council to conduct public hearings required and make recommendations to the State Board of Health on project applications and on rules, regulations and standards; and to prescribe penalties for violation of this Act and the rules, regulations and standards adopted pursuant thereto; to authorize the collection of application fees and to authorize appropriations for the administration of the Act.

Committee on Health and Welfare.

By Mr. Bank:

S. 111. Relating to the teachers' retirement system of Alabama; providing that any cost of living allowance, or like benefit, now or hereafter granted to retired teachers receiving a retirement allowance from the teachers' retirement system of Alabama automatically shall be applicable to eligible dependent surviving spouses of any such retired teacher who is deceased; providing for an immediate cost of living increase for such surviving spouses in an amount equal to twenty percent (20%) because they were omitted from the last series of such increases given to participating retired teachers; and providing that the amounts provided for herein shall come from the funds of the teachers' retirement system.

Committee on Finance and Taxation.

By Mr. Owen:

S. 112. Providing that all duly appointed and commissioned reserve or auxiliary sheriffs, deputy sheriffs, state troopers, municipal police officers and auxiliary civil defense policemen shall have the same authority to make arrests as is currently possessed by full time law enforcement officers in this state.

Committee on Judiciary.

By Messrs. McMillan and Pearson:

S. 113. To provide for the creation of restitution centers on an experimental basis, the purpose of which shall be to allow certain minimum security risk offenders to repay all or part of the damages incurred by the victim of the offender's offense through employment opportunities secured by the supervisory personnel of the restitution center.

Committee on Judiciary.

By Messrs. McMillan and Pearson:

S. 114. To create a committee known as the "Prison Farm and Forestry Advisory Committee" to advise the Board of Corrections farm and forestry operations; providing for the membership, meetings, powers and duties of such committee; and specifically to implement certain suggestions and recommendations contained in the Prison Task Force Committee Report to the Alabama Legislature, April 29, 1976.

Committee on Judiciary.

By Mr. McMillan:

S. 115. To provide that opinion and reputation evidence and evidence of specific acts relating to the complaining witness' previous sexual conduct shall be inadmissible by the defendant in criminal sexual conduct cases, including: rape, sodomy, sexual misconduct, sexual abuse, criminal sexual conduct, or carnal knowledge; to make prohibition against admissibility inapplicable to complaining witness' sexual conduct with defendant; and to provide procedures by which a court may determine relevancy of evidence proposed to be admitted before such evidence is introduced.

Committee on Judiciary.

By Mr. McMillan:

S. 116. To propose an amendment to the Constitution of Alabama to provide for a student member on the boards of trustees of Auburn University and the University of Alabama.

Committee on Constitution and Elections.

The above Bill was read a first time at length as required by the Constitution.

By Mr. McMillan:

S. 117. To provide for a student member on the boards of trustees of all state universities and on the advisory committees of all junior colleges.

Committee on Constitution and Elections.

By Mr. McMillan:

S. 118. To amend Act No. 1419, S. 7, 1971 Regular Session (Acts of 1971, p. 2423) now appearing in Code of Alabama, Recompiled 1958, Title 36, Section 58 (45a), entitled "An Act To make it unlawful for a person to own, or cause to be operated, a motor vehicle loaded with gravel or other like substance in such manner that the contents of the vehicle spill out and endanger the property and safety of motorists and pedestrians, and to prescribe the punishment therefor," so as to strengthen the provisions of this bill.

Committee on Commerce, Transportation,  
and Utilities.

By Mr. McMillan:

S. 119. To amend Section 61 of the Alabama Non-Profit Corporation Act of 1955 (Acts of 1955, p. 1254; now appearing in Code of Alabama, Recompiled 1958, Title 10, Section 263), so as to provide further for the availability of its provisions to existing corporations.

Committee on Judiciary.

By Mr. McMillan:

S. 120. To repeal Title 9, § 21, Code of Alabama 1940, which makes certain Sunday contracts void.

Committee on Judiciary.

By Mr. McDonald (S):

S. 121. To require the tax assessor of each county to assess tax-exempt property, and to make a summary of such exemptions to be made public 190 days after completion of the county tax roll.

Committee on Local Government.

By Mr. Jones:

S. 122. To provide a cost of living increase be paid to certain retired members of the Employees' Retirement System of Alabama in the same manner and from the same source of funds as is provided in Section 8 of Act No. 515, H. 93 of the 1945 Regular Session, as amended (Acts 1945, p. 734); and to make appropriations sufficient to cover the cost of such increased payments.

Committee on Finance and Taxation.

By Mr. Jones:

S. 123. Relating to counties having populations of not less than 150,000 nor more than 180,000 inhabitants according to the 1970 or any subsequent federal decennial census; providing that any business establishment or private club licensed to operate billiard or pool tables may also be licensed to sell beer or other malt or brewed alcoholic beverages on every day except Sunday.

Committee on Local Legislation No. 1.

By Mr. Jones:

S. 124. To require any state agency, board, commission or department to give reasonable public notice and to hold public hearings in any community which will be affected by any policy, directive, rule or regulation it proposes which concerns people or property; to provide the manner of notice and publication of such rules and regulations; to prescribe the rights of any party damaged as a direct result of the director, department head, or like supervisor issuing such directive, rule or regulation; and to prescribe penalties for violating the provisions of this act.

Committee on State Government.

By Mr. McDonald (S):

S. 125. To prohibit the sale or use of an article with an altered or obliterated identification mark and to provide penalties therefor.

Committee on Commerce, Transportation,  
and Utilities.

By Mr. Roberts:

S. 126. To revise Sections 393 and 394, Title 14, Code of Alabama 1940, as amended, so as to provide for forbidding of executive or secret sessions of certain boards; and to provide more stringent penalties for violation.

Committee on Local Government.

By Mr. McMillan:

S. 127. To exempt the Metropolitan Business and Professional Women's Club of Birmingham, Alabama, from the payment of all state, county and municipal sales and use taxes.

Committee on Finance and Taxation.

By Mr. Vacca:

S. 128. To repeal Act No. 758, S. 607, 1976 Regular Session (Acts of 1976, p. 1042), entitled, "An Act Relating to all counties having a population of 600,000 or more inhabitants according to the 1970 or any subsequent federal decennial census; giving the constables or his duly authorized deputies in such counties the exclusive authority to serve all civil subpoenas in the geographical district or areas for which they were respectively, elected or appointed, except for jury or grand jury service; and vesting in the sheriffs or his deputies the exclusive authority to serve all criminal subpoenas."

Committee on Local Legislation No. 2.

By Mr. Vacca:

S. 129. To repeal Act No. 757, S. 606, 1976 Regular Session (Acts of 1976, p. 1041), entitled, "An Act Relating to all counties having a population of 600,000 or more inhabitants according to the 1970 or any subsequent federal decennial census; giving constables in all such counties the exclusive power to serve all civil processes in the geographical district or areas for which they were respectively, elected or appointed."

Committee on Local Legislation No. 2.

By Mr. Baker:

S. 130. To appropriate \$200,000.00 from the special education trust fund in the state treasury for the construction, erection, maintenance and furnishing of a residence for the president of the Alabama A and M University.

Committee on Finance and Taxation.

By Mr. Baker:

S. 131. To provide for and require an independent audit of all funds controlled by any public school.

Committee on Finance and Taxation.

By Mr. Baker:

S. 132. Proposing an amendment to the Constitution of Alabama which would authorize the enactment of general and local laws with criminal penalties for the conservation and protection of the fish, wildlife, seafoods and agriculture of this state and further, authorizing the delegation to appropriate state agencies the power to promulgate rules and regulations pertaining thereto.

Committee on Constitution and Elections.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Owen:

S. 133. To provide a salary adjustment to Alabama State troopers and police communications officers in the amount of one hundred fifteen dollars (\$115.00) bi-weekly to bring these personnel to a salary level approximating the Southeast average for like employees and appropriates necessary funds for implementation; and to assign the rank of Lieutenant to all security personnel assigned to the Governor, Lieutenant Governor, and Attorney General except the Chief of Security who shall be a Captain.

Committee on Finance and Taxation.

By Mr. Stewart:

S. 134. To provide that any individual, group, or hospital service corporation policy of health insurance which is issued within this state, whether written for single or family coverage, shall include provisions for complete maternity care of women and their fetuses.

Committee on Insurance.

By Mr. Owen:

S. 135. To appropriate \$35,000.00 from the Alabama Board of Nursing Trust Fund in the State Treasury to the Alabama Board of Nursing for the current fiscal year ending September 30, 1977, for purchasing replacement office equipment and furniture and additional equipment and furnishings necessitated by the move of and expansion of the Board office.

Committee on Finance and Taxation.

By Mr. Edwards:

S. 136. To require the public safety department to investigate any motor vehicular accident occurring on any public road within the police jurisdiction of any municipality or town, having a population of less than 2,000, where the municipality or town has no full-time police force; and to prescribe that the director of the department of public safety shall issue and promulgate any reasonable rules and regulations necessary to implement the provisions of this act.

Committee on State Government.

By Mr. Perry:

S. 137. To validate, in certain cases, municipal corporations attempted to be organized under the laws of Alabama and invalid because of any irregularity in the procedure for incorporation.

Committee on Judiciary.

By Mr. Ellis:

S. 138. To provide for a driver's license, a chauffeur's license, a motorcycle license, and to prescribe the manner of test therefor, and to authorize the Director of Public Safety to issue said licenses.

Committee on Judiciary.

By Mr. Ellis:

S. 139. Relating to Native Americans; creating the Alabama Cherokee Indian Council; providing for membership and method of appointment; providing for the duties and power of the Council.

Committee on State Government.

By Mr. Ellis:

S. 140. To allow county governments, municipal governments or consortium thereof to create Resource Recovery Boards and prescribe their powers, functions and duties.

Committee on Commerce, Transportation,  
and Utilities.

By Mr. Ellis:

S. 141. To provide for payment for wrongfully converted property by persons convicted of certain crimes.

Committee on Judiciary.

By Mr. Ellis:

S. 142. Relating to emergency care by Alabama State Troopers; requiring additional equipment for highway patrol cars and further instruction for troopers; and providing for the payment of costs.

Committee on State Government.

By Mr. Ellis:

S. 143. To allow pharmacists to recommend substitutions and actually to substitute drugs in filling prescriptions under certain limited circumstances.

Committee on Health and Welfare.

By Mr. Ellis:

S. 144. To prescribe the procedure for securing the attendance of witnesses from without the state in criminal proceedings in Alabama and of witnesses within this state in criminal proceedings in other states; to provide penalties for failure to obey a summons to testify issued pursuant to this act; and to provide for immunity to such witness from arrest or service of process, civil or criminal, while in this state in obedience to a summons issued hereunder in connection with matters which arose before his entrance into this state under the summons.

Committee on Judiciary.

By Mr. Ellis:

S. 145. To provide for a consolidation of the Alabama Energy Advisory Council and the Alabama Energy Management Board into one permanent state agency to be called the Alabama Energy Management Agency; to provide for definitions; to create a legislative energy commission and to prescribe its duties; to provide for a director of the Energy Management Agency and his duties and powers; to provide for the promulgation of rules and regulations by the director to establish certain energy use standards; to provide for certain penalties for the enforcement of certain rules and regulations; and to make certain appropriations from the general fund.

Committee on Commerce, Transportation,  
and Utilities.

By Mr. Ellis:

S. 146. To prohibit the solicitation of contributions on the public streets, roads, and highways; and to prescribe penalties for the violation of this Act.

Committee on Judiciary.

By Mr. Bank:

S. 147. To further amend Section 5 of Act No. 21, H. 28, Special Session of 1969 (Acts of Alabama 1969, p. 46; now appearing in Code of Alabama 1940, Recompiled 1958, Title 51, Section 188(1)) levying a privilege or license tax against certain persons and utilities on account of the furnishing of certain utility services and to prescribe the rates and exclusions therefrom so as to further provide for an exclusion for any individuals sixty-five years of age or over.

Committee on Finance and Taxation.

By Mr. Mitchell:

S. 148. To amend Act No. 1196, S. 1018, 1975 Regular Session (Acts 1975, p. 2349) which relates to primary elections, so as to set the dates for primary elections in August, to change the timetable for declaration and



certification of candidacy and to require public declaration of nominations on the date of the first primary election by parties or factions not holding primary elections.

Committee on Constitution and Elections.

By Mr. Ellis:

S. 149. Relating to emergency medical services in hospitals; authorizing the State Board of Health to establish, promulgate and enforce rules, regulations and minimum standards for the operation of emergency departments in hospitals of this state and to provide for the categorization of hospitals according to the capabilities of such departments and medical services available.

Committee on Health and Welfare.

By Mr. Ellis:

S. 150. To amend Section 103, Title 52, Code of Alabama 1940, as amended, relating to qualifications of a county superintendent of education; and to repeal Act No. 298, H. 32, 1959 Regular Session [Acts of 1959, p. 871; now appearing in Code of Alabama, Recompiled 1958, Title 52, Section 103(1)]; Act No. 38, H. 53, 1969 Special Session [Acts of 1969, p. 95; now appearing in Code of Alabama, Recompiled 1958, Title 52, Section 103(2)] and all other laws or parts of laws in conflict herewith.

Committee on Education.

By Mr. Ellis:

S. 151. To amend Section 6 of Act No. 1126, S. 378, 1969 Regular Session, (Acts of 1969, p. 2084), relating to regional planning and development commissions, so as to empower the various regional planning and development commissions to grant ex officio voting status to the chairmen of any advisory committees which such commissions may appoint under this act.

Committee on Local Government.

By Mr. Ellis:

S. 152. To provide that the county commission of each county shall be empowered to fix the salary to be paid commissioners of such county; to provide that said compensation shall be fixed by resolution, adopted not later than eight months preceding the general election for any such commission to become effective at the expiration of the term of office of the incumbent commission; to provide further for those commissions, whose terms do not run concurrently and to repeal all laws in conflict with this Act.

Committee on Local Government.

By Mr. Ellis:

S. 153. To amend Section 178, Title 52, Code of Alabama 1940, as amended, relating to qualifications of a city superintendent of education; and to repeal Act No. 39, H. 55, 1969 Special Session [Acts of 1969, p. 96; now appearing in Code of Alabama, Recompiled 1958, Title 52, Section 178(1)], and all other laws or parts of laws in conflict herewith.

Committee on Education.

By Mr. Gilmore:

S. 154. To provide that the rights to medical care for an infant prematurely born alive in the course of an abortion procedure shall be the same as for a premature infant of similar medical status that is born spontaneously; and to prescribe penalties for violating the provisions of this act.

Committee on Health and Welfare.

By Mr. Owen:

S. 155. To provide for a supplemental appropriation of \$3,000,000.00 from the state general fund, to be administered by the Board of Corrections, for the reimbursement of the various counties for expenses incurred by such counties for the housing and confinement of state prisoners in county jails pursuant to the United States District Court Order, Middle and Southern Districts, issued August 29, 1975; and to authorize the Board of Corrections to adopt administrative procedures for the reimbursement of said county expenses.

Committee on Finance & Taxation.

By Mr. Gilmore:

S. 156. To prohibit the false personation of a peace officer of this state and to provide the penalty therefor.

Committee on Judiciary.

By Mr. McDonald (S):

S. 157. To amend the title and Sections 1, 4, 6, 8 and 10 of Act No. 14, H. 5, Special Session of 1969 (Acts 1969, p. 28), which act established the Alabama Commission of Higher Education, so as to further provide for the powers, duties and authority of the Commission.

Committee on Finance and Taxation.

By Mr. Owen:

S. 158. To establish a student assistance program in the State of Alabama to be known as the Alabama Student Grant Program, which will provide for state grants to certain approved institutions of postsecondary education in Alabama on behalf of and to the credit of eligible students who are bona fide residents of Alabama; to set forth legislative findings and purposes underlying the Program; to provide for the grants payable under the Program; to designate the Alabama Commission on Higher Education to administer the Program; to vest the Alabama Commission on Higher Education with the powers and duties reasonably needed for the effective implementation and administration of the Program; to establish various procedures and requirements concerning the availability of grants, applications for grants, approval and award of grants, renewal of grants, and revocation of grants; to prohibit the use of grants for religious or sectarian purposes and to prohibit the use of money raised for the support of public schools to support schools of a predominantly sectarian or denominational character; to provide for periodic auditing of approved institutions; to provide for periods when there may be insufficient funds to provide such eligible student with a full grant for the terms requested; to provide a penalty for false statements or misrepresentations in connection

with the procurement of grants; to make an appropriation funding the program from the Special Education Trust Fund; to provide for severability; to repeal conflicting laws; and to provide an effective date.

Committee on Finance and Taxation.

By Mr. Gilmore:

S. 159. To provide that boards of control of local school systems, state public educational institutions and agencies make available payroll deduction of dues for the local affiliate of any general incorporated statewide educators' organization if their employees request this service. Deduction of dues shall not be required for any organization which serves only persons employed in a particular subject matter area or that is not affiliated with a statewide educators organization which is incorporated under Alabama statutes.

Committee on Finance and Taxation.

By Mr. Gilmore:

S. 160. To provide that the Administrative Director of Courts, with the approval of the Chief Justice, is authorized to appoint and employ not more than two confidential secretaries who shall serve at the pleasure of the Chief Justice; said secretary or secretaries shall be subject to the Merit System Act only as to pay plan, and shall be assigned to assist retired justices or judges who perform active duty for the Supreme Court or one or both of the courts of appeals.

Committee on Finance and Taxation.

By Mr. Fine:

S. 161. To regulate the expense allowances in the Twenty-Fifth Judicial Circuit for circuit judges and the district attorney; and to make the provisions of this Act retroactive to January 16, 1977.

Committee on Finance and Taxation.

By Mr. Owen:

S. 162. To amend Code of Alabama 1940, Title 55, Section 317 so as to lift the prohibition on state employee participation in political activities and to repeal all conflicting statutes.

Committee on State Government.

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Fine:

S. 163. To make child abuse a criminal offense; to define the offense of child abuse; and to prescribe the penalty to be imposed on any person found guilty of such offense.

Committee on Judiciary.

By Mr. Fine:

S. 164. To provide that any child 14 or more years of age charged with the commission of a crime of violence upon another person, which act would constitute a felony if committed by an adult, shall be tried as if an adult in criminal court.

Committee on Judiciary.

By Mr. Fine:

S. 165. To regulate the expense allowances in the Twenty-Fifth Judicial Circuit for circuit judges and the district attorney; and to make the provisions of this Act retroactive to January 16, 1977.

Committee on Local Legislation No. 1.

By Messrs. St. John, McDonald (S), Roberts, Gilmore, Vacca and Jones:

S. 166. To prescribe and establish monetary limits payable on claims and judgments based on tort liability and filed or obtained against governmental entities; to define terms.

Committee on Judiciary.

By Mr. Wilson:

S. 167. To validate the incorporation of public corporations attempted to be organized pursuant to Act No. 107 adopted at the 1965 First Special Session of the Legislature of Alabama, as heretofore amended, and amendments to the certificate of incorporation of such corporations.

Committee on Judiciary.

By Mr. Wilson:

S. 168. To repeal Act No. 136, S. 441, 1976 Regular Session (Acts 1976, p. 130), entitled "AN ACT To provide for the temporary release of certain persons convicted of a felony and sentenced to a term of confinement and treatment in a state correctional institution under the jurisdiction of the Board of Corrections for the purpose of: (1) studying at an appropriate institution under proper supervision, either in vocational or educational curricula, and (2) seeking employment and a place of residence in the community where he will reside after release from his sentence."

Committee on Judiciary.

By Mr. Wilson:

S. 169. To make an appropriation for the support and maintenance of the Walker County Junior College located in Jasper, Walker County, Alabama for the fiscal year ending September 30, 1977.

Committee on Finance and Taxation.

By Mr. McDonald (A):

S. 170. To provide that all persons entering the study of medicine at any state supported medical school, after the effective date of this act, shall enter into a contract with the State of Alabama providing that for the consideration of being able to attend a state supported medical school such

persons shall agree to practice medicine in Alabama for a period of two years within the first five years after graduation and completion of their internship, or reimburse the state for its costs incident to such persons' medical education; and to provide that the state committee of public health is authorized to waive the requirement of practice or reimbursement for good and sufficient cause shown.

Committee on Finance and Taxation.

By Mr. McDonald (A):

S. 171. To amend Sections 2 and 3 of Title 36, Code of Alabama 1940, as last amended, relating to the offenses of driving while intoxicated and reckless driving; so as to establish the offenses of driving while under the influence of alcohol on any public property and reckless driving on any public property.

Committee on Judiciary.

By Mr. McDonald (A):

S. 172. Relating to public health; restricting smoking in certain places and areas and prescribing penalties for violation of this act.

Committee on Health and Welfare.

By Mr. McDonald (A):

S. 173. Prohibiting the smoking of tobacco in certain state and local government buildings and structures where the public congregates; providing penalties for the violation of this act.

Committee on Health and Welfare.

By Mr. McDonald (A):

S. 174. To further amend Section 48, Title 36, Code of Alabama 1940, as amended, which section relates to local traffic control devices, so as to allow motor vehicles in certain circumstances to turn right or left on a red traffic signal.

Committee on Judiciary.

By Mr. McDonald (A):

S. 175. To amend Section 74 of Title 10 of the Code of Alabama of 1940, as last amended, which relates to the authority of certain corporations and companies to acquire by condemnation, rights of way or easements over or across the lands or easements of others so as to place additional limitations on the granting of such powers of condemnation.

Committee on Judiciary.

By Mr. King:

S. 176. To exempt the Huntsville Girls Club, Incorporated, from payment of all sales and use taxes.

Committee on Finance and Taxation.

By Messrs. King and Ellis:

S. 177. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, relating to the mode of amending the Constitution; to repeal, supersede and renumber Article XVIII and Amendment No. 24 of said Constitution and all other conflicting provisions thereof.

Committee on Constitution and Elections.

The above Bill was read a first time at length as required by the Constitution.

By Mr. King:

S. 178. To exempt all retirement pay and survivor benefits derived from employment with the Tennessee Valley Authority from state income taxes.

Committee on Finance and Taxation.

By Mr. King:

S. 179. To appropriate \$7,000.00 from the Special Education Trust Fund for the purpose of sending the Lee High School Band of Huntsville to Washington, D. C. to represent Alabama in the presidential inauguration parade.

Committee on Finance and Taxation.

By Mr. King:

S. 180. Relating to elections and voting in them; providing for the use of electronic voting systems in elections; providing the requirements for these systems; providing that procedures to be used in connection with elections in which these systems are used, including additional procedures for dividing precincts and designating voting places therein; providing election officers for such polling places and prescribing duties and compensation of such election officials.

Committee on Constitution and Elections.

By Mr. King:

S. 181. To permit members of volunteer fire departments to use an emergency red light on personal vehicles while enroute to an emergency situation.

Committee on Judiciary.

By Messrs. King, Owen, St. John, Powell, Teague, McDonald (A), Mitchell, Jones, Shelby, Fine, Little, Waldrop, Roberts, McMillan, and Wilson:

S. 182. To provide for holding a convention to revise and amend the Constitution of this state.

Committee on Constitution and Elections.

By Messrs. King and Ellis:

S. 183. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, to be numbered Article XI thereof, relating to public officers; to supersede the following provisions of the Constitution of Alabama of 1901, as amended: Sections 60, 96, 104(24), 130, 279, 280 and 281 and Amendments No. 2, 4, 26A, 28, 43, 44, 46, 47, 48, 50, 62, 64, 85, 88, 92, 103, 127, 134, 135, 136, 137, 138, 139, 185, 196, 215, 229, 231, 246, 241, 249, 265, 290, 297, 306, 321 and 326; and to repeal all conflicting provisions of said constitution and amendments thereto.

Committee on Constitution and Elections.

The above Bill was read a first time at length as required by the Constitution.

By Mr. King:

S. 184. To propose and provide for the submission of an amendment to the Constitution of Alabama relating to representation, the procedure for legislative reapportionment and congressional redistricting; repealing and superseding Sections 50, 197, 198, 199, 200, 201, 202 and 203 of the Constitution of Alabama of 1901, as amended, and all other conflicting provisions thereof.

Committee on Constitution and Elections.

The above Bill was read a first time at length as required by the Constitution.

By Messrs. King and Ellis:

S. 185. To propose and provide for the submission of a constitutional amendment reaffirming the preamble to the Constitution of Alabama and to revise Article I thereof, which Article asserts the Declaration of Rights; and for the repeal of Article I of the Constitution of Alabama of 1901, as amended.

Committee on Constitution and Elections.

The above Bill was read a first time at length as required by the Constitution.

By Messrs. King and Ellis:

S. 186. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, relating to suffrage and elections; repealing and superseding Article VIII of the Constitution of Alabama of 1901 including Sections 177 through 196 inclusive, as amended, and Amendments No. 10, 14, 41, 49, 90, 96, 109, 207, 223, 285, and 322 and all other conflicting provisions of said constitution.

Committee on Constitution and Elections.

The above Bill was read a first time at length as required by the Constitution.

By Messrs. King and Ellis:

S. 187. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, relating to impeachments; to repeal and supersede Article VII and all other conflicting provisions of said constitution, as amended.

Committee on Constitution and Elections.

The above Bill was read a first time at length as required by the Constitution.

By Mr. McDonald (S):

S. 188. To amend Section 103, Title 52, Code of Alabama 1940, as amended, relating to qualifications of a county superintendent of education; and to repeal Act No. 298, H. 32, 1959 Regular Session (Acts of 1959, p. 871); now appearing in Code of Alabama, Recompiled 1958, Title 52, Section 103 (1); Act No. 38, H. 53, 1969 Special Session (Acts of 1969, p. 95); now appearing in Code of Alabama, Recompiled 1958, Title 52, Section 103 (2) and all other laws or parts of laws in conflict herewith.

Committee on Education.

By Mr. Waldrop:

S. 189. To amend Section 262, Section 272, and Section 312 all being of Chapter 5, Title 26, Code of Alabama 1940, as amended; Section 7 of Act No. 180, 1951 Regular Session of the Legislature, as amended; Section 6 of Act No. 521, 1967 Regular Session of the Legislature, as amended; and Section 6 of Act No. 668, 1971 Regular Session of the Legislature, as amended, all of which relate to extraterritorial coverage of employees subject to the workmen's compensation laws of this state, so as to delete from such laws certain immunity from suit granted to certain employees, insurance carriers, unions, and union representatives.

Committee on Business and Labor Relations.

By Mr. Waldrop:

S. 190. To exempt from all state, county and municipal sales taxes the medicines purchased out of the "Howell Erwin Fund" of the First United Methodist Church, Gadsden, Alabama.

Committee on Finance and Taxation.

By Mr. Waldrop:

S. 191. To provide that any conference or confidential communication between any priest, rabbi, or ordained minister and a member of his congregation or any person seeking spiritual or moral guidance shall be a privileged communication under the laws of this State.

Committee on Judiciary.

By Mr. Waldrop:

S. 192. To increase the price of non-resident hunting and fishing licenses; to provide for the deduction of a seller's fee; and to provide for disposition of the proceeds from such increase.

Committee on Conservation.



By Messrs. King and Ellis:

S. 193. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, relating to the mode of amending the Constitution; to repeal and supersede Article XVIII and Amendment No. 24 of said Constitution and all other conflicting provisions thereof.

Committee on Constitution and Elections.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Vacca:

S. 194. To amend Section 5 and 19 of Act 765, Regular Session, 1973 Alabama Legislature, to remove the requirement of a copy of each security interest document when perfecting a security interest in a vehicle of a type which a certificate of title is required; and for related purposes; and to set an effective date.

Committee on Judiciary.

By Mr. Vacca:

S. 195. To allow as a deduction for the taxable year an amount equal to the aggregate of the net operating loss carryover to such year, plus the net operating loss carrybacks to such year.

Committee on Finance and Taxation.

By Mr. Vacca:

S. 196. To allow as a deduction for the taxable year an amount equal to the aggregate of the net operating loss carryover to such year, plus the net operating loss carrybacks to such year.

Committee on Finance and Taxation.

By Mr. Pearson:

S. 197. To permit the State Board of Education, through the State Superintendent of Education, to enter into an interstate agreement known as the "Interstate Agreement on Qualification of Educational Personnel" for the purpose of establishing cooperative arrangements with other states for persons to meet teacher certification requirements.

Committee on Education.

By Mr. Pearson:

S. 198. To amend Section 21 as amended, of the Professional Corporation Act (Acts of 1971, p. 4524, now appearing in Code of Alabama, Recompiled 1958, Title 46, Section 366), so as to allow a consolidated or merged professional corporation to render both medical and dental services within a single professional corporation.

Committee on Judiciary.

By Mr. Pearson:

S. 199. To provide that such funds as are necessary to have the commentary prepared by the Alabama Law Institute printed, as editor's

notes or otherwise, to the act that S. B. 47 of the 1976 Regular Session will become, when said act is codified or published in code form, be appropriated from the general funds in the state treasury.

Committee on Finance and Taxation.

By Mr. Pearson:

S. 200. To require that governing boards of educational systems or institutions cooperatively develop a grievance procedure with its employees and that such a procedure shall be adopted by June 1, 1978.

Committee on Education.

By Messrs. Ellis and Perloff:

S. 201. To require the Building Commission to promulgate and enforce the use of energy conserving building design and construction standards for all new or remodeled state owned and public building.

Committee on State Government.

By Mr. Ellis:

S. 202. To define the term rare coin or medallion; to require persons operating businesses which deal with such coins and medallions to keep certain records, and to provide that a violation of this act constitutes a misdemeanor.

Committee on Judiciary.

By Mr. Ellis:

S. 203. To exempt all income received under any public school teacher's retirement system from being subject to Alabama State Income tax.

Committee on Finance and Taxation.

By Messrs. Ellis and McDonald (S):

S. 204. To provide that school principals shall supervise the operation and management of schools under policies determined by local boards of education and to assign school principals supervisory responsibilities and the coordination of instructional leadership under the direction of the local school superintendent.

Committee on Education.

By Messrs. Ellis and McDonald (S):

S. 205. To require that after September 1, 1979, all principals shall be full-time principals and shall not be scheduled to teach more than one class period per day.

Committee on Education.

By Messrs. Ellis, Bank, McDonald (A) and Jones:

S. 206. Relating to emergency medical services in hospitals; authorizing the State Board of Health to establish, promulgate and enforce rules, regulations and minimum standards for the operation of

emergency departments in hospitals of this State and to provide for the categorization of hospitals according to the capabilities of such departments and medical services available.

Committee on Health and Welfare.

By Mr. Clemon:

S. 207. To provide sick leave for full-time support personnel who are non-certificated educational employees in city and county school systems and the Alabama Institute for Deaf and Blind and to appropriate \$350,000 to carry out the provisions of this Act.

Committee on Finance and Taxation.

By Messrs. Shelby, St. John, Fine, Littleton, Adams, Little, Perloff, Mitchell, Ellis, Wilson, Pearson, Perry, McDonald (S), McDonald (A), Roberts, Bank, Teague, King, Vacca, McMillan, Miller, Goodwin and Mims:

S. 208. To adopt a Code of laws for the State of Alabama.

Committee on Judiciary.

By Messrs. Shelby, St. John, Fine, Littleton, Adams, Little, Perloff, Mitchell, Ellis, Wilson, Pearson, Perry, McDonald (S), McDonald (A), Roberts, Bank, Teague, King, Vacca, McMillan, Miller, Goodwin and Mims:

S. 209. To create the Alabama Code Commission and to provide for continuing Code Revision.

Committee on Judiciary.

By Mr. Gilmore:

S. 210. To amend Title 52, Section 215(a4) relating to the determination of the number of teacher units allowed, so that the period for which average daily attendance is required is changed from the school year to the first five scholastic months of any school term.

Committee on Education.

By Messrs. Gilmore, Owen, Vacca, Mitchell, St. John, McDonald (S), Bank, Teague and Fine:

S. 211. This bill amends Section 170, Title 148, Code of Alabama 1940 to change the requirements of the duty of an engineer as to the operation of a railroad locomotive by deleting the requirement that an engineer must approach a public crossing located in a curve which cannot be seen at least one-quarter of a mile ahead at such speed as to prevent an accident in the event there is an obstruction at the crossing.

Committee on Commerce, Transportation,  
and Utilities.

By Messrs. Gilmore, Owen, Vacca, Mitchell, St. John, McDonald (S), Bank, Teague and Fine:

S. 212. To repeal Title 48, Section 109 which requires the filing with the Public Service Commission a verified list of all railroad tickets, passes,

mileage books, issued free or for other than actual bona fide money consideration at full established rates during the preceding year.

Committee on Commerce, Transportation,  
and Utilities.

By Mr. Gilmore:

S. 213. To amend Section 12 of Act No. 407, Acts of Alabama, 1971 Regular Session (Section 12, Title 28A, Code of Alabama 1940, as amended) so as to exempt from the Alabama Insurance Code a trust established by The University of Alabama in Birmingham and its faculty, employees and affiliated organizations for the purpose of wholly or partially providing indemnification against liability claims based upon acts or omissions including without limitation claims based upon malpractice of physicians who are members of the faculty of the University of Alabama School of Medicine and residents and interns employed by the University of Alabama Hospital for services performed in the Medical Center of The University of Alabama in Birmingham or elsewhere; other employees of the University of Alabama Hospitals and the hospitals located within the Medical Center of The University of Alabama in Birmingham in which such physicians and employees perform services and other persons engaged in the delivery of health care who are associated with the University of Alabama in Birmingham.

Committee on Insurance.

By Mr. Gilmore:

S. 214. To amend Section 269 of Title 46, Code of Alabama 1940, as amended, so as to provide for the issuing of limited certificates of qualification to practice medicine without examination to physicians enrolled in approved residency training programs.

Committee on Health and Welfare.

By Mr. Teague:

S. 215. Relating to sick leave for teachers in city and county school systems and the Alabama Institute for Deaf and Blind. To amend Title 52, Sections 136 and 197, Code of Alabama, 1940, and Section 2 of Act 688, H. 452, 1951 Regular Session, to allow educators in city and county school systems and the Alabama Institute for Deaf and Blind to accumulate sick leave at the rate of one day for each month employed without limiting the number of days which may be accumulated.

Committee on Education.

By Mr. Teague:

S. 216. To amend Section 2 of Act 281, H. 295, Special Session, 1966 (Title 52, Section 622(5) ), which is the Alabama Educational Benefits for Dependents of Blind Parents Act, so as to increase the amount of family income allowed in a family where the head of the household is blind for dependents to be eligible for educational benefits at institutions of higher learning.

Committee on Finance and Taxation.

By Mr. Teague:

S. 217. To amend Title 52, Section 520, Code of Alabama, 1940 by adding an educator from the Alabama Institute for Deaf and Blind to its Board of Trustees as a non-voting member.

Committee on Education.

By Mr. Teague:

S. 218. To provide for a privilege license for automotive dismantlers and recyclers; to fix a fee for such privilege license; to provide for the business which may be carried on under such privilege license; to set qualifications of what will be needed to obtain such a privilege license; to provide for cancellation or revocation of such license; to prohibit violations of this act, to fix a penalty herefor; and to set an effective date.

Committee on Finance and Taxation.

By Mr. Teague:

S. 219. To provide that the board of trustees of the Alabama Institute for Deaf and Blind shall adopt written policies with regard to education; to provide for the manner in which such policies shall be adopted; to provide that such written policies shall be made available to all employees; and to provide that such written policies and written amendments thereto shall be filed with the state superintendent of education.

Committee on Education.

By Mr. Teague:

S. 220. To require that any appointment, made by the governor and subject to senate confirmation, be accepted or rejected by the senate within a certain time and that the governor must submit any new appointment within a prescribed time; to provide further for the consequence when action by the governor or senate is not timely.

Committee on Rules.

By Mr. Teague:

S. 221. To entitle any person who is sixty-five years of age or older to camp in state parks for one-half the standard fees or charges for admission and use of space and park facilities; and to authorize the director, parks division, of the department of conservation and natural resources, to issue and promulgate any reasonable rules and regulations necessary to implement the provisions of this Act.

Committee on Conservation.

By Messrs. Stewart, Pearson, Edwards, Shelby, Adams, Bank, Teague, McMillan, Fine, Powell and Wilson:

S. 222. To authorize the Alabama Court of Criminal Appeals to hire three staff attorneys and one stenographer and to pay the necessary salaries and expenses thereof, in addition to the staff presently employed by said Court; to make an appropriation out of the state general fund to cover said salaries and expenses.

Committee on Finance and Taxation.

By Messrs. Stewart & Little:

S. 223. To regulate further the deposit and investment of state funds; and for such purpose to amend further Sections 1, 2, 3, and 4 of Act No. 3, H. 64, 1967 Regular Session, (Acts of Alabama 1967, p. 336, now appearing in Code of Alabama, Recompiled 1958, Title 55, Section 393 (1-9), as amended; to prescribe the manner of determining the amount of state funds to be deposited in state depositories and the type of deposits therein and the amount to be invested and to regulate the interest rate thereon.

Committee on Finance and Taxation.

By Mr. Stewart:

S. 224. To further amend Code of Alabama 1940, Title 48, Section 52, as amended by Act No. 97 of Alabama approved May 11, 1971 (1971 General Acts, V.1, pages 171-172) so as to define the reasonable value of a public utility's property to be used as a rate base in fixing utility rates; to eliminate therefrom the amount of new investment to be added in the year immediately following the test period used in arriving at the value of such utility's property; to provide that determination of the rate base shall be calculated on the basis of average values of the property components of the rate base in service during the most recent 12 month period available; to exclude from the rate base, or in the alternative to require a zero return, on any part thereof arising from or provided by funds available to the utility without cost to it, unless effectively required to be allowed by an act of Congress; to exclude from the rate base any lands acquired after the effective date of this Act by any utility for a use which will require a certificate of convenience and necessity until and unless such certificate of convenience and necessity is issued by the Alabama Public Service Commission; to repeal conflicting laws and to fix the effective date of this Act.

Committee on Commerce, Transportation,  
and Utilities.

By Mr. Stewart:

S. 225. Relating to the powers and duties of the public service commission; prescribing procedures for changing certain electric utility rates and other charges; requiring electric utilities to file with such commission monthly reports as to coal purchases, disclosure of affiliations with or of such electric utilities and certain other information; specifying the contents of such reports; relating to the commission's duties with respect to coal purchases, and authorizing release of such reports to the public; authorizing the commission to obtain certain information outside the state in certain instances; requiring the commission, in certain cases, to hold a full public hearing before allowing an electric utility to increase, directly or indirectly, the price charged for electricity due to certain increased fuel costs; limiting the application of such requirement to the happening of certain contingencies; authorizing the commission to permit such increases in the cost of electric energy because of an increase in the fuel costs only after making a written determination that such increases are fair, just and reasonable and reflect certain good faith management and certain sound business policy decisions; limiting such increases in certain instances; permitting certain requested increases to go into effect under bond pending a certain hearing and decision; giving certain criteria and rules which the commission must apply in determining whether certain

requested increases in allowable fuel costs are fair, just and reasonable; providing for a certain notice of hearing to the general public; defining certain terms requiring the commission to conduct annual audits of such utilities and to obtain and use certain information on fuel and fuel costs and repealing all conflicting statutes.

Committee on Commerce, Transportation,  
and Utilities.

By Mr. Stewart:

S. 226. To provide that the Alabama Public Service Commission shall not have authority in its regulation of public utility companies and the rates to be charged for public utility services to allow such companies to apply automatic fuel adjustment clauses, or the rates to be charged by such companies to be affected by the application of any automatic fuel cost adjustment clause; to repeal conflicting laws and to fix the effective date of this Act.

Committee on Commerce, Transportation,  
and Utilities.

By Mr. Stewart:

S. 227. To appropriate from the General Fund of the State of Alabama Treasury the sum of \$170,000 to pay the salaries and expenses of 11 additional employees in the Utility Division of the Alabama Public Service Commission for the fiscal year ending September 30, 1975.

Committee on Commerce, Transportation,  
and Utilities.

By Mr. Stewart:

S. 228. To amend Section 1 of Act No. 2053, S. 122, 1971 Regular Session (Acts of 1971, p. 3290; now appearing in Code of Alabama, Recompiled 1958, Title 5, Section 318), entitled "To provide maximum finance charges for loans and credit sales; to regulate extensions of credit, including consumer loans, consumer credit sales and consumer leases; to provide penalties for violation of this act; and to authorize the Superintendent of Banks to administer this act"; so as to include out-of-state sellers and money lenders who do business in Alabama within the regulatory authority of said act.

Committee on Banking.

By Mr. Stewart:

S. 229. To provide an additional income tax exemption for a taxpayer, his spouse, or his dependent, who is disabled and to allow a deduction for personal care services for such disabled taxpayer, his spouse, or his dependent.

Committee on Finance and Taxation.

By Mr. Stewart:

S. 230. To exempt the Alabama Chapter of the Pearl Harbor Survivors Association from all state, county and municipal sales and use taxes on items which are sold to raise revenue for the purpose of scholarships for students attending Jacksonville State University.

Committee on Finance and Taxation.

By Mr. Stewart:

S. 231. To amend Title 11, Section 98, Code of Alabama 1940, relating to juror's fees so as to provide that such fees shall be termed as "expense allowance" rather than "compensation".

Committee on Judiciary.

By Mr. Stewart:

S. 232. To define various terms necessary to the application of trademark law: to provide for registrability of a trademark; to provide for application of registration of a trademark; to provide for issuance of a certificate of registration; to provide for the duration and renewal of a trademark; to provide for the keeping of public records on trademarks; to provide for the cancellation of a trademark; to provide for the classification of goods and services which may be subject to this act; to provide liability for fraudulent registration; to provide liability for infringement of a trademark registered under this act; to provide relief for injury to business reputation or for dilution of the quality of a trademark registered under this act; to provide remedies for the owner of a trademark registered under this act; and to preserve any common law rights of owners of trademarks.

Committee on Commerce, Transportation,  
and Utilities.

By Mr. Teague:

S. 233. To provide a State Collective Bargaining Law for employees of the State and any political subdivision thereof and for employees in non-profit institutions financially aided from public funds.

Committee on Business and Labor Relations.

By Mr. Little:

S. 234. To exempt Bibles from sales and use taxes.

Committee on Finance and Taxation.

By Mr. Little:

S. 235. To require all churches and other non-profit corporations, associations and foundations operating in this state to report certain annual income in excess of \$3,000 to the state department of revenue. Such organizations shall not report charitable contributions, only "business income" as herein defined exceeding the said amount shall be reported, and providing misdemeanor punishment for failure to comply.

Committee on Finance and Taxation.



By Mr. Little:

S. 236. To amend Section 73 of Title 34 of Code of Alabama of 1940, as amended, to allow a wife to convey, mortgage, or otherwise alienate her title to and interest in real property which is in her separate estate, as if she were sole.

Committee on Judiciary.

By Mr. Little:

S. 237. To amend the Code of Alabama 1940, Title 16, Section 1, which provides for the descent and distribution of real estate of an intestate, so as to change the order of succession.

Committee on Judiciary.

By Mr. Little:

S. 238. To create the office of county historian in all counties of this state having a population of not less than 60,000 nor more than 65,000 inhabitants, according to the 1970 or any subsequent federal decennial census; to provide for compensation and the method of appointment, and to prescribe the duties.

Committee on Local Legislation No. 1.

By Mr. Little:

S. 239. Relating to taxation; exempting the Auburn Heritage Association, Incorporated, a non-profit corporation, from the levy of all state, county, municipal and local sales tax and use tax.

Committee on Finance and Taxation.

By Mr. Little:

S. 240. To further amend Code of Alabama 1940, Title 51, Section 385, as amended, which section provides for deductions from state income tax for individuals so as to include in such deductions certain contributions made by self-employed individuals to certain retirement plans; to make the new provisions added by this amendatory act retroactive to January 1, 1977.

Committee on Finance and Taxation.

By Mr. Little:

S. 241. To name the Health, Education and Arts Building on the campus of Alexander City State Junior College after W. Byron Causey and to repeal all conflicting statutes.

Committee on State Government.

By Mr. Little:

S. 242. To amend Act No. 1137, H. 1757, Regular Session 1973 (Acts 1973, p. 1921), which act sets up the "Driver Education and Training Fund" and driver education program, so as to make such program self-supporting by a fee system rather than by grant of funds from the State Safety Coordinating Committee.

Committee on Finance and Taxation.

By Mr. Little:

S. 243. To amend Section 40 of Act No. 197, H. 388, 1976 Regular Session (Acts of 1976, p. 190) entitled "To make annual appropriations for the support, maintenance and development of public education in Alabama for the fiscal year ending September 30, 1977" so as to provide for a \$200,000.00 appropriation from the special education trust fund for a Family Residency Program in Randolph County.

Committee on Finance and Taxation.

By Mr. Little:

S. 244. To authorize the county governing body of counties having a population of not less than 17,000 nor more than 20,000 inhabitants according to the 1970 or any subsequent federal decennial census to establish the position of deputy coroner and to set and pay from the county general fund the salary and any reasonable expense allowance for such office; and to prescribe the duties of such office.

Committee on Local Legislation No. 1.

By Mr. Little:

S. 245. To authorize each municipality in this state to acquire, finance, establish, own, use, operate, manage and control parks, playgrounds and recreational or athletic areas situated wholly or in part outside of its corporate limits; to provide the conditions upon which a park, playground, or recreational or athletic area may be used or established within the corporate limits or police jurisdiction of another municipality or within a county other than that in which a municipality establishing the same shall be situated; to provide that all authority heretofore and hereinafter granted to municipalities with respect to parks, playgrounds and recreational or athletic areas within the corporate limits of a municipality shall be applicable to and may be exercised by a municipality with respect to any park, playground or recreational or athletic area located wholly or in part outside its corporate limits; to provide that a municipality may join and cooperate with one or more municipalities in acquiring, financing, refinancing, providing, establishing, installing, using and managing parks, playgrounds, and recreational or athletic areas, making the same common to the use of such municipalities and in fixing and charging fees and making rules and regulations for the conduct, management and use thereof and providing that all municipalities shall jointly have the same powers and authorities conferred by the act upon each; to authorize governing bodies of two or more municipalities to establish jointly an authority as a public corporation for the purposes of acquiring, financing, refinancing, providing, establishing, installing, using or managing parks, playgrounds, and recreational or athletic areas, making the same common to the use of such municipalities or in fixing and charging fees and in making rules and regulations for the conduct, management and use thereof; to provide that neither the act nor anything therein contained shall be construed as a restriction or limitation upon any power which a municipality might otherwise have under any laws of the state.

Committee on Local Government.

By Mr. Little:

S. 246. To provide an eligibility for a pay increase to employees of the state and all its agencies, including institutions of higher learning, who pass the certified professional secretary examination.

Committee on State Government.

By Messrs. Jones and Perry:

S. 247. To provide for and authorize the incorporation of Municipal Electric Authorities as public corporations of the State of Alabama for the purpose of planning, financing, developing, acquiring, constructing, reconstructing, improving, enlarging, owning, operating and maintaining systems and facilities for the generation, transmission, transformation and distribution, or any of them, of electric power and energy, which systems and facilities may be situated within or without the State of Alabama; to authorize any two or more municipalities to incorporate and organize an Authority; to authorize municipalities to become members of an Authority and to appoint a board of commissioners to exercise the powers of such Authority as herein provided; to provide for an executive committee and officers of such board; to grant powers to an Authority including the power of eminent domain; to provide that an Authority may exercise any one or more of the powers, rights and privileges conferred upon it either alone or jointly or in common with one or more other parties, municipalities, corporations, electric boards, cooperatives, or public or private utilities located either within or without the State of Alabama or partly within and partly without the State; to authorize an Authority to issue and sell its bonds or notes; to provide that the bonds, notes and other obligations of an Authority shall not be a debt or obligation of the State or of any municipality but shall be payable solely from the revenues of its facilities or its undivided interest therein; to provide for the execution and delivery by an Authority of mortgages, deeds of trust and other instruments of security for the benefit of such obligations; to provide that bonds issued by an Authority shall be legal investments and also eligible as security for the deposit of public funds; to provide that the property of an Authority and the income therefrom, all bonds and the interest thereon, and all deeds, mortgages, trust indentures and other instruments executed by or delivered to an Authority shall be exempt from all state, county, municipal and other taxation in the State; to grant legislative consent to the application of the laws of other states with respect to taxation and payments in lieu of taxation by an Authority on any systems or facilities situated without the State; to exempt an Authority from the laws of the State of Alabama governing usury; to exempt all contracts made by an Authority in the exercise of any power or authority under this Act from the provisions and requirements of Act No. 217 adopted at the 1967 Special Session of the Legislature of Alabama, as amended, with respect to competitive bidding; to exempt an Authority, in the exercise of any powers and authorities granted under this Act, from the jurisdiction and control of the Public Service Commission and all other regulatory bodies and agencies of the State of Alabama; to provide for the use of the public roads by an Authority; and to make other provisions for the operation of an Authority by its board of commissioners and the planning, financing, developing, acquiring, construction, reconstruction, improving, enlarging, owning, operating, and maintaining any such systems or facilities.

Committee on Commerce, Transportation,  
and Utilities.

By Messrs. Perry and Jones:

S. 248. To provide for and require competitive bidding on specified contracts for labor, services, or work, and for the purchase of materials, equipment, supplies or other personal property, made by or on behalf of any public utility or telephone company doing business in the State of Alabama, and prescribing penalties.

Committee on Commerce, Transportation,  
and Utilities.

By Messrs. Perry and Jones:

S. 249. To amend Code of Alabama 1940, Title 48, Section 82, providing for judicial review of proceedings on appeal from orders of the Alabama Public Service Commission.

Committee on Commerce, Transportation,  
and Utilities.

By Messrs. Perry and Jones:

S. 250. To require any utility or telephone company that is required to obtain a certificate of public convenience and necessity under Title 48, Section 105 or Section 332 of the 1940 Code of Alabama from the Alabama Public Service Commission for the construction or operation of any facility to give notice of the filing of such application with said Commission to the owners of all lands which are proposed to be acquired for the construction or operation of the facility for which the certificate of convenience and necessity is sought, and to provide that such owners shall be entitled to be heard and to participate in such certificate proceedings; to repeal all laws or parts of laws in conflict herewith and to provide for the effective date of this Act.

Committee on Commerce, Transportation,  
and Utilities.

By Messrs. Perry and Jones:

S. 251. To further amend Code of Alabama, 1940, Title 48, Section 52, as amended by Act No. 97 of the Special Session of the Legislature of Alabama approved May 11, 1971 (1971 General Acts, V. 1, pages 171-172) so as to define the reasonable value of a public utility's property to be used as a rate base in fixing utility rates; to eliminate therefrom the amount of new investment to be added in the year immediately following the test period used in arriving at the value of such utility's property; to provide that determination of the rate base shall be calculated on the basis of such reasonable value of the property components of the rate base in service as of the end of the most recent 12 month period available; to exclude from the rate base, or in the alternative to require a zero return, on any part thereof arising from or provided by funds available to the utility without cost to it, unless effectively required to be allowed by an act of Congress; to exclude from the rate base any lands acquired after the effective date of this Act by any utility for a use which will require a certificate of convenience and necessity until and unless such certificate of convenience and necessity is issued by the Alabama Public Service Commission; to repeal conflicting laws and to fix the effective date of this Act.

Committee on Commerce, Transportation,  
and Utilities.

By Messrs. Jones and Perry:

S. 252. To require refunds or repayment to customers by the affected utility or telephone company of any utility or telephone rates or charges judicially held to be excessive.

Committee on Commerce, Transportation,  
and Utilities.

By Messrs. Jones and Perry:

S. 253. To prohibit any telephone company, through any interconnecting or other agreement with South Central Bell Telephone Company, or its successor, or otherwise, from receiving an automatic increase in its net return, as the result of any order of the Alabama Public Service Commission or court granting an increase to South Central Bell Telephone Company, or its successor, in its intrastate net return; to repeal all laws and parts of laws in conflict herewith, and to provide the effective date of this Act.

Committee on Commerce, Transportation,  
and Utilities.

By Messrs. Jones and Perry:

S. 254. To provide the procedure and conditions under which any utility or telephone company regulated by the Alabama Public Service Commission may increase or decrease any customer's billing for intrastate utility or telephone service by reason of the application of any fuel or tax rate, clause or rider on and after the effective date of this Act.

Committee on Commerce, Transportation,  
and Utilities.

By Mr. Powell:

S. 255. To provide that any teacher or employee of a public school system, the State Board of Education, the State Department of Education, State Senior Universities, State Junior Colleges, State Vocational Technical Colleges, or any other State educational institution or agency, shall continue to draw his full salary for a certain period when incapacitated as direct result of an on-the-job injury; to provide that payment of such benefits shall not exhaust his accumulated sick leave and to authorize standards for carrying out the provisions of this Act.

Committee on Finance and Taxation.

By Mr. Powell:

S. 256. To provide sick leave for full-time support personnel who are non-certificated educational employees in city and county school systems and the Alabama Institute for Deaf and Blind.

Committee on Education.

By Mr. Powell:

S. 257. To establish certain rights of professionally certificated employees and school boards in public schools, to prohibit practices which are inimical to the welfare of such public schools, and to provide for the orderly and peaceful resolution of disputes concerning terms and conditions of professional service and other matters of mutual concern.

Committee on Education.

By Mr. Jones:

S. 258. To repeal Title 52, Code of Alabama, 1940, Sections 100, Local School Trustees; 138, Meetings; 139, Secretary of board; 140, Teacher may be refused by trustees; 141, Dismissal of pupils; 143, School visited by trustees; 144, School building controlled by trustees; 145, Charges against teacher may be filed by trustees; 146, Sanitary conditions maintained by trustees; and 147, Use of schoolhouse for civic purposes.

Committee on Education.

By Mr. Jones:

S. 259. To authorize the court to request the convening of a committee of legislators to advise it relative to the legislative intent of a law when the determination of the legislative intent of such law is needed in connection with a case then pending in the supreme court, the court of civil appeals, or the court of criminal appeals; to provide for the designation of the members of such committee; to provide for their meetings and for the compensation and expenses of the members of such committee; and specifically to provide that the opinion of the committee shall be advisory only and shall not be in any way binding on the court.

Committee on Judiciary.

By Mr. Waldrop:

S. 260. To amend further Section 93 of Title 26, Code of Alabama 1940, as amended, which relates to medical, surgical, and hospital service, and vocational rehabilitation under workmen's compensation so as to provide that injured employees shall have their choice of physicians for treatment and the employer shall be fully liable for such treatment.

Committee on Business and Labor Relations.

By Mr. Fine:

S. 261. To amend Title 52, Section 62, Code of Alabama (1940), relating to the powers of county boards of education to administer and supervise schools so as to clarify and broaden such powers.

Committee on Education.

By Mr. Fine:

S. 262. To amend Title 52, Section 158, Code of Alabama 1940, relating to the powers of city boards of education to administer and supervise schools so as to clarify and broaden such powers.

Committee on Education.

By Messrs. Mitchell, Fine, Bank, Powell, Littleton, Gilmore, Pearson, Clemon, Mims, Little, Shelby, Perloff, Adams, Owen, Waldrop, Teague, Roberts, Perry, McMillan, Vacca and Stewart:

S. 263. Prescribing the date on which the regular annual session of the legislature shall commence each year; repealing conflicting laws; and giving the act retroactive effect.

Committee on Constitution and Elections.

By Messrs. Mitchell and McMillan:

S. 264. To prescribe, authorize and regulate investments of life, disability, and burial insurance companies.

Committee on Insurance.

By Mr. Mitchell:

S. 265. To further amend the title and Section 1 of Act No. 1125, S. 369, Regular Session of 1969 (Acts 1969, p. 2084), which act authorizes and provides for appointment of police officers to maintain law and order at state colleges and universities, so as to provide for the appointment and authority of such officers on private college campuses within this state.

Committee on Judiciary.

By Mr. Mitchell:

S. 266. To allow the Commissioner of Insurance to place an insurance company under an order of supervision after a hearing thereon by appropriate order; setting forth certain prohibited acts while under supervision without prior approval.

Committee on Insurance.

By Messrs. King and Roberts:

S. 267. To authorize the County Commission or like governing body of each of the several Counties having less than 600,000 population according to the latest Federal census to regulate the minimum size of lots, the planning and construction of all public streets, public roads and drainage structures and require proper placement of public utilities to be located in proposed subdivisions of land or in proposed additions to subdivisions of land existing at the time of the enactment of this Act where such subdivisions are situated outside the corporate limits of any municipality in such county, provided that such placement of public utilities shall not be inconsistent with the Southern Standard Building Code, State and Federal laws and regulations of State and Federal regulatory agencies. To further provide for exercise of jurisdiction by counties over proposed subdivisions within the jurisdiction of municipal planning commissions and to provide for agreement of jurisdiction by counties with affected municipalities.

Committee on Local Government.

By Mr. Mitchell:

S. 268. Amend Section 9, Act 221, 1965 Special Session (Vol. I, pp. 228) to provide that a majority of the members of a local textbook committee shall be classroom teachers.

Committee on Education.

By Mr. Mitchell:

S. 269. To amend Section 520, Title 52, Code of Alabama 1940, as amended, relating to the appointment of the board of trustees of the Alabama Institute for Deaf and Blind, so as to provide further for the appointment of board members.

Committee on Education.

By Mr. Mitchell:

S. 270. To amend Section 5, Act 160, Third Special Session, 1971 Legislature, providing for maintenance of property values and ownership maps in each county after completion of the statewide reappraisal program; providing that the Department of Revenue establish such a program for uniformity of procedures and records; providing that field men involved in classifying property shall have one year experience in appraisal of real property; providing the method for payment of such maintenance appraisal and mapping program. Repeals laws in conflict with this Act.

Committee on Local Government.

By Messrs. Mitchell, Fine, Bank, Powell, Littleton, Gilmore, Pearson, Clemon, Mims, Little, Shelby, Perloff, Adams, Owen, Waldrop, Teague, Roberts, Perry, McMillan, Vacca and Stewart:

S. 271. To amend Act No. 1196, S. 1018, 1975 Regular Session (Acts 1975, p. 2349) which relates to primary elections, so as to set the dates for primary elections in May, to change the timetable for declaration and certification of candidacy and to require public declaration of nominations on the date of the first primary election by parties or factions not holding primary elections.

Committee on Constitution and Elections.

By Messrs. Goodwin and Wilson:

S. 272. To make appropriations in the amount of \$215,000.00 from the Alabama Special Educational Trust Fund for the support and maintenance of Marion Institute located at Marion, in Perry County.

Committee on Finance and Taxation.

By Mr. Goodwin:

S. 273. To make a conditional appropriation from the general fund to the sports hall of fame at the Civic Center in Birmingham.

Committee on Finance and Taxation.



By Mr. Fine:

S. 274. To require the Alabama Department of Public Safety to employ, train, and equip eighty (80) state police officers and appropriate monies therefor.

Committee on Finance and Taxation.

By Mr. Bank:

S. 275. To provide a procedure of the determination of a criminal defendant's capacity to proceed or continue to trial; to authorize the courts of this state to hold initial hearings on the question of capacity or incapacity, and to authorize courts to commit a defendant to the custody of the Department of Mental Health for further observation and evaluation; and to provide for involuntary civil commitment proceedings for persons adjudicated "not guilty by reason of insanity" and to provide the payment of costs of removing defendants to and from the custody of the Department of Mental Health; to amend Title 45, Section 222, Code of Alabama 1940, as Recompiled; and to repeal Title 15, Sections 425, 426, 427, 428, 429, 430 and 431, Title 45, Sections 222 and 223, Code of Alabama 1940, as Recompiled 1958.

Committee on Judiciary.

By Messrs. Bank and Fine:

S. 276. To require a notification procedure for the issuance by counties, cities, towns, municipalities and public corporations of industrial revenue bonds under Act No. 178 enacted at the 1961 Extra Session of the Alabama Legislature (1961 Acts, p. 2147, et seq.), as amended (relating to industrial revenue bonds to be issued by counties), Act No. 756, enacted at the 1951 Regular Session of the Alabama Legislature (1951 Acts, p. 1307, et seq.) as amended (relating to industrial revenue bonds to be issued by municipalities), Act No. 648, enacted at the 1949 Regular Session of the Alabama Legislature (1949 Acts, p. 991, et seq.) as amended (relating to industrial revenue bonds to be issued by industrial development boards), Act No. 516, enacted at the 1955 Regular Session of the Alabama Legislature (1955 Acts, p. 1160, et seq.) as amended (relating to industrial revenue bonds to be issued by medical clinic boards), Act No. 4, enacted at the 1956 Second Special Session of the Alabama Legislature (1956 Acts, p. 240, et seq.), as amended (relating to industrial revenue bonds to be issued by certain municipalities to finance hotel and motel projects), Act No. 337 enacted at the 1971 Third Extra Session of the Alabama Legislature (1971 Acts, p. 4625, et seq.) (relating to industrial revenue bonds to be issued by certain municipalities to finance hotels and motels projects), to provide, in addition to their present functions and duties, the functions and duties of the Alabama Securities Commission and its Director (established under Act No. 740 enacted at the 1969 Regular Session of the Alabama Legislature, Acts of 1969, p. 1316, et seq.) with respect to such industrial revenue bonds, to establish and provide for the membership, functions and duties of the State Industrial Revenue Bond Advisory Council; to authorize and issuance of stop orders by the Alabama Securities Commission and/or the Director delaying or prohibiting the issuance of industrial revenue bonds; to provide for certificates of notification by the Director, the effect of such certificate, and a remedy for failure or refusal of the Director to issue such certificate; to provide for the assessment of filing fees by the Securities Commission; to provide criminal penalties for willful violations of this act or stop orders issued thereunder; and to

provide relief from stop orders of the Director by readoption by the governing body of the issuer of the authorizing proceedings, or from stop orders issued by the Alabama Securities Commission by judicial validation under Title 7, Section 169, et seq., Alabama Code of 1940, as amended (relating to the judicial validation of securities issued by counties, cities and towns) and Act No. 859 of the 1953 Regular Session of the Alabama Legislature (Acts of 1953, p. 1148, et seq.) (relating to the judicial validation of securities issued by boards and public corporations) and as supplemented in this act for proceedings hereunder, and relief from stop orders of the Council by such judicial validation.

Committee on Local Government.

By Mr. Bank:

S. 277. To amend Section 4(D) of Act 90, Fourth Special Session, 1975, so as to exclude speech pathologists or audiologists employed by the Alabama Department of Mental Health from the licensing provisions of said Act.

Committee on Health and Welfare.

By Mr. Mims:

S. 278. To prescribe a procedure for complaints, investigations, findings and recommendations where purchasers of agricultural, vegetable, flower, tree, shrub and herb seeds suffer damages as a result of any such seed not being in compliance with legal requirements which govern the sale thereof or where the seed fail to perform as represented; to create and establish an investigation and arbitration committee for this purpose and to prescribe its powers, duties and authority.

Committee on Agriculture.

By Mr. Mims:

S. 279. To require the State Board of Education through the State Superintendent of Education to enforce the provisions of Acts 1022 and 1023 of the 1973 Regular Legislative Session and to provide penalties for local boards of education found to be in noncompliance.

Committee on Education.

By Mr. Mims:

S. 280. Relating to public warehouses; to amend Section 570 of Title 2 of the Code of Alabama 1940 which relates to the annual filing fee to be paid to the Department of Agriculture and Industries by persons who operate a public warehouse; to require an annual filing fee of twenty-five dollars to be paid by persons operating a public warehouse; to prescribe the effective date of this Act.

Committee on Agriculture.

By Mr. Mims:

S. 281. Relating to the membership of the State Board of Agriculture and Industries; to amend Sections 25 and 27 of Title 2 of the Code of Alabama of 1940, as amended, to provide that the Dean and Director of the School of Agriculture and Agricultural Experiment Station

of Auburn University shall be a member of the State Board of Agriculture and Industries; and, that any ex officio member of said Board may designate or appoint any member of his staff to attend meetings in his place and stead when such ex officio member cannot attend.

Committee on Agriculture.

By Mr. Mims:

S. 282. Relating to persons engaged in the business of weighing for hire known as public weighmasters; To amend Title 2, Section 630 of the Code of Alabama of 1940, to increase the annual permit or appointment fee required to be paid to the Commissioner of Agriculture and Industries by persons engaged in the business of weighing for hire designated as weighmasters by increasing said annual fee to ten dollars.

Committee on Agriculture.

By Mr. Mims:

S. 283. To license and regulate under the provisions of this Act grain dealers engaged in the business of purchasing grain.

Committee on Agriculture.

By Mr. Mims:

S. 284. Relating to cotton gins and the regulations thereof by the Department of Agriculture and Industries: to amend Section 172 of Title 2 of the Code of Alabama of 1940, as heretofore amended by Act No. 401, H. 190, approved August 16, 1965, (Acts of Alabama of 1965, Vol. I, p. 577) relating to the annual permit fee required for the operation of a cotton gin; prescribing the amount of such permit fee, and the date on which this Act shall become effective.

Committee on Agriculture.

By Mr. Mims:

S. 285. To amend Sections 32 and 33 of Title 18 of the Code of Alabama 1940, as amended, relating to electric cooperatives, so as to provide that such cooperatives may process, treat, sell and dispose of water and water rights; purchase, sell, lease, construct, own and operate water systems and sanitary sewer systems, supply water and sanitary sewer services, to exercise the power of eminent domain, to issue notes, bonds, mortgages and other evidences of indebtedness to finance such undertakings.

Committee on Agriculture.

By Mr. Mims:

S. 286. Relating to soil surveys; to provide for accelerating the soil survey in Alabama so that soil mapping, classification, and interpretation may be completed in 10 years, and to make an appropriation for this purpose.

Committee on Agriculture.

By Mr. Mims:

S. 287. To amend Title 2, Section 590 of the Code of Alabama of 1940, Recompiled 1958, relating to the custody of and certification of State standards by the National Bureau of Standards under which weighing and measuring devices are tested and calibrated for accuracy and records to be kept thereof; to amend said Section 590 of Title 2 by providing a procedure under which standards for weighing and measuring devices shall be tested and calibrated for accuracy as prescribed by the National Bureau of Standards.

Committee on Agriculture.

By Mr. Perloff:

S. 288. To amend Section 119 of Title 61, Code of Alabama 1940, which provides that no suit may be commenced against an administrator or executor until six months after the grant of letters testamentary or letters of administration so as to provide certain exceptions.

Committee on Judiciary.

By Mr. Perloff:

S. 289. To require that employers in this state shall pay wages to all discharged or resigned laborers or other employees within ten working days of termination of employment; and creating a cause of action for any such discharged or resigned employee whose employer fails to comply with the above mentioned requirements, and providing for payment of penalty wages by an employer who violates the requirements of this Act.

Committee on Business and Labor Relations.

By Mr. Perloff:

S. 290. To provide that any physician or surgeon who is licensed to practice medicine in Alabama shall be permitted to practice acupuncture or auriculotherapy.

Committee on Health and Welfare.

By Mr. Noonan:

S. 291. To exempt the Allen Memorial Home, Inc. from the payment of all state, county and municipal sales and use taxes.

Committee on Finance and Taxation.

By Mr. Noonan:

S. 292. To exempt the Little Sisters of the Poor Home For the Aged, Inc. from the payment of all state, county and municipal sales and use taxes.

Committee on Finance and Taxation.

By Mr. Noonan:

S. 293. To exempt the Villa Mercy, A Corporation, from the payment of all state, county and municipal sales and use taxes.

Committee on Finance and Taxation.

By Mr. Noonan:

S. 294. To exempt the Particular Council of Mobile Society of St. Vincent dePaul from the payment of all state, county and municipal sales and use taxes.

Committee on Finance and Taxation.

By Messrs. Noonan and Vacca:

S. 295. To amend Section 2 of Act No. 474, H. 202, of the 1961 Regular Session of the Legislature of Alabama entitled "An Act providing for the relocation of utility facilities when necessitated by Federal-aid highway system projects; providing for the payment of the costs of such relocations by the State as highway construction costs upon Federal participation and Federal funds being actually collected by the State; prescribing the authority of the State Highway Director in regard thereto; providing for the method of paying or reimbursing said utilities; and repealing all conflicting laws."

Committee on Commerce, Transportation,  
and Utilities.

By Mr. Noonan:

S. 296. To amend the Title and Section 1 of Act No. 75, S. 19, Fourth Special Session 1975 (Acts 1975, p. 2697) relating to counties having a population of not less than 300,000 nor more than 600,000 inhabitants according to the 1970 or any subsequent federal decennial census so as to provide further for the use of voting machines with printout results.

Committee on Local Legislation No. 1.

By Mr. Noonan:

S. 297. To appropriate the sum of One Million Seven Hundred Seventy-three Thousand Dollars (\$1,773,000.00) or so much thereof as may be necessary from the General Fund of the State to the Department of Conservation and Natural Resources, Division of State Parks, Monuments and Historical Sites, for the purpose of acquiring, by purchase or condemnation, approximately eight and one-half (8½) miles constituting the westernmost part of Dauphin Island, Mobile County, Alabama, and to authorize the use of any available federal matching funds as may be necessary for the purchase of said property, and to further provide that after purchase of said property by the State same may only be used for public park and recreational purposes as other Division of Parks' lands are managed.

Committee on Finance and Taxation.

By Mr. Noonan:

S. 298. To further amend Section 1 of Act No. 217, S. 23 of the 1967 First Special Session (Acts 1967, Vol. I, p. 259), as amended, which act relates to competitive bidding and the expenditure of public funds, so as to include the Alabama state docks department in the provisions of the act which excludes them from the requirement of competitive bids where the amount is less than \$2,000.00.

Committee on Seaports and Inland Waterways.

By Mr. Noonan:

S. 299. To amend Sections 1, 2, 3, 4, and 5 of Act No. 2432, Regular Session 1971 (Acts 1971, p. 3890) providing for the creation, incorporation, and operation of the Marine Environmental Sciences Consortium by designating it as a state agency and providing for a Board of Directors with full power and authority for its management; and to grant to state educational institutions and state, county, and municipal agencies authority to make contributions for its support.

Committee on Seaports and Inland Waterways.

By Mr. Noonan:

S. 300. To amend Sections 8, 10, 14, 18, 19, 20, 21, 22 and 24 of Act No. 576, Acts of Alabama, 1959 Regular Session, as amended, pertaining to the registration and operation of vessels on the waters of this State.

Committee on Seaports and Inland Waterways.

By Mr. Noonan:

S. 301. To amend the title and further amend Sections 1, 3, 4 and 5 of Act No. 755, 1967 Regular Session (Acts of Alabama 1967, Vol. II, p. 1609), as amended, entitled "To provide Supernumerary Tax Collectors, Tax Assessors, License Commissioners, or other elected officials charged with the assessment and/or collection of any ad valorem taxes in the various counties of the State of Alabama; describing their duties; setting up their requirements and qualifications; fixing their compensation; status and tenure of office; and providing for the payment of their salaries," so as to provide further for the requirements, qualifications and compensation for such Supernumerary Tax Collectors, Tax Assessors and License Commissioners, or other elected officials charged with the assessment and/or collection of any ad valorem taxes in this state, in the various counties of the State of Alabama having a population of less than 600,000 inhabitants.

Committee on Finance and Taxation.

By Mr. Noonan:

S. 302. To create in the State of Alabama a "Joint Advisory Board of Family Practice" to further the supply of competent family physician; to provide for the Board's membership number and selection; and to establish the duties and authorities of the Advisory Board.

Committee on Health and Welfare.

By Mr. Roberts:

S. 303. To propose an amendment to the Constitution of Alabama providing for home rule for Mobile County or any municipality within Mobile County.

Committee on Local Legislation No. 1.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Roberts:

S. 304. To amend further Code of Alabama, 1940, Title 37, Section 10, which relates to the incorporation of unincorporated municipalities in order to provide specifically for the incorporation of unincorporated communities on islands in counties having populations of not less than 300,000 nor more than 600,000 according to the 1970 or any subsequent federal decennial census.

Committee on Local Legislation No. 1.

By Mr. Roberts:

S. 305. To provide that all conveyances used in the commission of felonies shall be seized and forfeited.

Committee on Judiciary.

By Mr. Roberts:

S. 306. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, relating to local government and home rule; amending and superseding specifically Sections 38, 39, 40, 41, 89, 220 and 228 and Amendments No. 81, 132, 140, 142, 144 and 184 of the Constitution of Alabama of 1901, as amended; and repealing and superseding all other conflicting provisions of said constitution and amendments thereto.

Committee on Constitution and Elections.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Roberts:

S. 307. To provide for the confiscation and sale of seafoods cargos where such cargos have been taken in violation of the laws and regulations pertaining to the harvest of seafoods, and for the disposition of the proceeds of such sales.

Committee on Conservation.

By Mr. McDonald (S):

S. 308. To provide that full-time employees and executive officers of the Alabama Council for School Administration and Supervision may elect to become members of the Teachers' Retirement System of Alabama; also to provide that said Council and its employees shall assume all costs, both contributory and administrative; and no cost shall devolve upon the state.

Committee on Education.

By Mr. Noonan:

S. 309. To appropriate \$30,000.00 from the general fund in the state treasury, to the Alabama Coastal Area Board Fund for the fiscal year ending September 30, 1978.

Committee on Finance and Taxation.

By Mr. Noonan:

S. 310. To appropriate \$30,000.00 from the general fund in the state treasury to the Alabama Coastal Area Board Fund for the current fiscal year ending September 30, 1977.

Committee on Finance and Taxation.

By Mr. Noonan:

S. 311. To make appropriations from the general fund in the state treasury to the Alabama Coastal Area Board Fund for the fiscal years ending September 30, 1977 and 1978.

Committee on Finance and Taxation.

By Mr. Wilson:

S. 312. To permit the deduction by resident taxpayers, including domestic firms and corporations, from their adjusted gross income as computed for state income tax purposes, of the total cost of conversion from gas or electricity to coal as the primary energy source for heating their homes, plants and offices.

Committee on Finance and Taxation.

By Mr. Perloff:

S. 313. Relating to the regulated loan business; providing for regulation, examination, investigation, and licensing of individuals, firms, and corporations engaged in the business of making regulated loans and for the suspension and revocation of licenses issued hereunder for specified reasons; prescribing maximum rates of interest and other charges for loans; providing for the administration and enforcement of the Act, prescribing penalties, providing for the proper repeal of existing laws, including Section 18(f) of Act No. 2052, S. B. 122 of the Regular Session of 1971, approved October 1, 1971, relating to loans over \$300.00 and Act No. 374, H. B. 102 of the Regular Session of 1959, approved November 6, 1959, relating to the small loan business and Act No. 159, H. B. 233, approved June 23, 1945 (General Acts of Alabama, 1945, page 200), relating to the small loan business and providing for regulation of the same.

Committee on Banking.

#### STANDING COMMITTEE APPOINTMENTS ANNOUNCED

The President and Presiding Officer announced the following Standing Committee appointments and resignations:

Mr. Miller has been appointed to the Standing Committees on Business and Labor Relations, State Government, Constitution and Elections, Agriculture, and Health and Welfare.

Mr. Goodwin has been appointed to the Standing Committees on Business and Labor Relations, Health and Welfare, Insurance, and Agriculture.

Mr. Teague has been appointed to the Standing Committee on Insurance as Vice-Chairman, and the Standing Committees on Business and Labor Relations, Banking, and Commerce, Transportation and Utilities.



Mr. Pearson has been appointed to the Standing Committee on Finance and Taxation, and has resigned from the Standing Committees on Business and Labor Relations, and State Government.

Mr. Gilmore has been appointed to the chairmanship of the Standing Committee on Commerce, Transportation, and Utilities.

Mr. Shelby has been appointed to the vice-chairmanship of the Standing Committee on Finance and Taxation.

Mr. King has been appointed to the Standing Committee on Finance and Taxation.

Mr. Mims has been appointed to the Standing Committee on Rules, and has resigned from the Standing Committee on Seaports and Inland Waterways.

### RESOLUTIONS

Mr. St. John offered the following Senate Joint Resolution, to-wit:

S. J. R. 1. CALLING FOR ANNUAL JOINT MEETINGS OF THE HOUSE AND SENATE JUDICIARY COMMITTEES TO SCREEN REPORTS FROM THE PRIVACY AND SECURITY COMMITTEE OF THE ALABAMA CRIMINAL JUSTICE INFORMATION CENTER COMMISSION.

WHEREAS the "Watergate" investigations and the more recent congressional committee hearings on the activities of the FBI and CIA have revealed a certain amount of bureaucratic disregard for an individual's constitutionally guaranteed right to privacy; now therefore

BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING, That at some time during each regular session of the legislature, the Chairman of the Senate Judiciary Committee shall call a joint meeting of the judiciary committees of the Senate and House of Representatives for the purpose of hearing reports presented by the full membership of the privacy and security committee of the Alabama Criminal Justice Information Center Commission, created pursuant to Section 5 of Act No. 872, S. 711, 1975 Regular Session of the Legislature, in order to ascertain that the privacy and security of the citizens of this state are being adequately safeguarded.

Which was read and referred to the Standing Committee on Rules.

Mr. Waldrop offered the following Senate Joint Resolution, to-wit:

S. J. R. 2. MOURNING THE DEATH OF ALLEN WILBERT BAILEY.

WHEREAS the Alabama Legislature has noted with a sense of deep regret the untimely passing of Allen Wilbert (Al) Bailey of Gadsden; and

WHEREAS he was Vice President and Operations Manager of WJBY Radio Station; and

WHEREAS Al Bailey was active in community affairs being president elect of the Gadsden Exchange Club and Vice Chairman of Southside Citizens Advisory Committee of the East Alabama Regional Planning and Development Commission; and

WHEREAS his activity in community affairs extended to the Meadowood Community Club which he served as a past president and to the Gadsden Jaycees as a former member; and

WHEREAS he was a member of the Gadsden Masonic Lodge No. 236; and

WHEREAS Al Bailey exhibited a responsibility to the Southside Baptist Church as a deacon, a Sunday School teacher and a Brotherhood Director; and

WHEREAS Al Bailey was ever ready to contribute to the needs of his neighbors and for the progress and betterment of his hometown, state and country; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the passing of Allen Wilbert Bailey and express our deep and sincere sympathy to his widow, Mrs. Sarah Bailey, to his daughters, Donna and Gina Bailey, and to his parents, Mr. and Mrs. Otha Bailey, to whom copies of this resolution shall be sent.

Which was read and referred to the Standing Committee on Rules.

Mr. Waldrop offered the following Senate Joint Resolution, to-wit:

**S. J. R. 3. MOURNING THE TRAGIC DEATH OF FIREMEDIC MIKE PATRICK OF GADSDEN.**

WHEREAS, on Tuesday, August 31, 1976, the State of Alabama and the entire nation were shocked and dismayed by the tragic deaths of three Gadsden firemen who were killed in the line of duty by a surface gasoline tank explosion; and

WHEREAS, the Alabama legislature has noted with a sense of deep regret that among the victims of this tragedy was one of Gadsden's finest young citizens, Firemedic Michael A. Patrick; and

WHEREAS, Mike Patrick, as he was known to his friends and neighbors, had distinguished himself as a U. S. Air Force Veteran and member of the Alabama National Guard and Holy Name of Jesus Nursing School and for the past three years as an outstanding Firemedic with the Gadsden Fire Department; and

WHEREAS, Mike Patrick exhibited throughout his life those admirable attributes of friendliness, devotion to duty, and concern for his fellowmen; and

WHEREAS, Mike Patrick's enthusiasm for his work, his devoted services to his community, his positive attitude and personal charm endeared him to all who knew him, whether friend or mere acquaintance; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the tragic death of Firemedic Mike Patrick of Gadsden and express our deep and sincere sympathy to his widow, Mrs. Shirley B. Patrick, and his family to whom copies of this resolution shall be sent.

Which was read and referred to the Standing Committee on Rules.

Mr. Waldrop offered the following Senate Joint Resolution, to-wit:

**S. J. R. 4. MOURNING THE TRAGIC DEATH OF FIREMEDIC MIKE THORNTON OF GADSDEN.**

WHEREAS, on Tuesday, August 31, 1976, the State of Alabama and the entire nation were shocked and dismayed by the tragic deaths of three Gadsden firemen who were killed in the line of duty by a surface gasoline tank explosion; and

WHEREAS, the Alabama legislature has noted with a sense of deep regret that among the victims of this tragedy was one of Gadsden's finest young citizens, Firemedic Michael Vann Thornton; and

WHEREAS, Mike Thornton, as he was known to his friends and neighbors, had distinguished himself as a Vietnam Veteran from 1968 to 1970, and for the past four years as an outstanding Firemedic with the Gadsden Fire Department; and

WHEREAS, Mike Thornton was ever ready to contribute to the needs of his neighbors and for the progress and betterment of his native Etowah County, state and country; and

WHEREAS, his youthful outlook, vivacity and warm personality served as an inspiration to all with whom he came in contact; now therefore

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That we mourn the tragic death of Firemedic Mike Thornton of Gadsden and express our deep and sincere sympathy to his widow, Mrs. Patsy Copeland Thornton, and his family to whom copies of this resolution shall be sent.

Which was read and referred to the Standing Committee on Rules.

Mr. Waldrop offered the following Senate Joint Resolution, to-wit:

**S. J. R. 5. MOURNING THE TRAGIC DEATH OF GADSDEN FIRE CHIEF RALPH SPEER.**

WHEREAS, on Tuesday August 31, 1976 the State of Alabama and the entire nation were shocked and dismayed by the tragic deaths of three Gadsden firemen who were killed in the line of duty by a surface gasoline tank explosion; and

WHEREAS, the Alabama legislature has noted with a sense of deep regret that one of these victims was Gadsden's outstanding fire chief James Ralph Speer; and

WHEREAS, Chief Speer was a veteran firefighter who rose in the ranks of the Gadsden Fire Department; and

WHEREAS, Chief Speer was a devoted community builder who served his people with great love and dedication as a member of the Dwight Masonic Lodge and as a deacon in the North Gadsden Baptist Church; and

WHEREAS, Chief Speer was ever ready to contribute to the needs of his neighbors and for the progress and betterment of his hometown, state and country; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the tragic death of Gadsden Fire Chief James Ralph Speer and express our deep and sincere sympathy to his widow, Mrs. Louise Barnes Speer, and his family to whom copies of this resolution shall be sent.

Which was read and referred to the Standing Committee on Rules.

Mr. Edwards offered the following Senate Joint Resolution, to-wit:

S. J. R. 6. COMMENDING CLETE QUICK FOR HIS OUTSTANDING CONTRIBUTIONS TO THE NORTH ALABAMA LEGISLATIVE COUNCIL.

WHEREAS, the keen insight and creative perception of Clete Quick made the North Alabama Legislative Council a reality in 1974; and

WHEREAS, the purpose of that Council was to enable the citizens to work more closely with their legislators and to express their feelings on matters of concern to North Alabama; and

WHEREAS, Mr. Quick spent countless hours, travelled over 10,000 miles and spent personal funds in developing, organizing and raising funds for the Council; and

WHEREAS, this fine Alabamian, who was born and raised in North Alabama, over a period of many years has spent great energies for the expansion and betterment of this region and all of its citizens; and

WHEREAS, Mr. Quick has been an influential leader in the civic and social life of his community; and

WHEREAS, Mr. Quick has contributed generously of his time, talents and means to the Tourism Bureau and Heart Association of Decatur and served as past president of the Alabama Mountain Lakes Association and currently is a member of the Board of Directors of the Decatur Chamber of Commerce; and

WHEREAS, the business acumen of Mr. Quick, owner and operator of radio station WMSL, has earned him the respect and admiration of all who know him; and

WHEREAS, because of the many talents, vision, dedicated energies and leadership of Mr. Clete Quick, the North Alabama Legislative Council united legislators and citizens alike in effecting meaningful legislation and programs of concern for the people of North Alabama; and

WHEREAS, the legislators constituting the North Alabama Legislative Council wish to express their sincere respect for and admiration of Mr. Clete Quick; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do heartily commend Mr. Clete Quick of Decatur, Alabama, for his tireless energies, enthusiasm and devotion to the needs of the North Alabama region, its legislators and citizens and thank him for using his perception in developing and guiding the North Alabama Legislative Council.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Clete Quick.

Which was read and referred to the Standing Committee on Rules.

Mr. Bank offered the following Senate Joint Resolution, to-wit:

**S. J. R. 7. COMMENDING DR. RICHARD THIGPEN FOR HIS OUTSTANDING LEADERSHIP AS ACTING CHIEF OFFICER OF THE UNIVERSITY OF ALABAMA.**

WHEREAS, Dr. Richard Thigpen has selflessly served as the Acting Chief Executive Officer of the University of Alabama since November, 1975; and

WHEREAS, under this native Alabamian's expert and conscientious administration and leadership the great University of Alabama has continued its unbroken tradition of excellence in education for which all citizens of this state are proud; and

WHEREAS, Dr. Thigpen has been associated for over a decade in various capacities at the University of Alabama, rising from a student to a professor of law, to Executive Vice President and chief administrative assistant, to Acting Chief Executive Officer; and

WHEREAS, Dr. Richard Thigpen used his determination and keen mind to earn an A. B. Degree in Political Science and History, an M. A. Degree in History and a Juris Doctorate degree in Law, all from the University of Alabama, and furthered his education, in spite of the arduous climate of New Haven, Connecticut, at Yale University Law School where he earned his master's in law; and

WHEREAS, this energetic, articulate, and friendly young chief executive is not only a widely known and respected educator, but his membership on national boards and associations, which are too numerous to list, exhibit his dedication to the betterment and welfare of people in all walks of life; and

WHEREAS, the high regard in which this perceptive, humble, but yet dynamic man is held, is reflected by the long list of awards and honors bestowed on him: Outstanding Educator of America, 1971; Graduate Fellow, Yale Law School, 1968; number one in graduate class at Yale Law School, 1969; selected to Outstanding Young Men in America, 1970 and 1971; selected Outstanding Young Man of Tuscaloosa by Tuscaloosa Jaycees and as one of four Outstanding Young Men by the Alabama Jaycees, both in 1975; Administrator Recognition ("Sui Generis") Award, by the University of Alabama Student Body in 1974; and an honorary L.L.D. Degree by the University of Alabama Board of Trustees, August 15, 1976; and these are but a very few of the well-earned distinctions which have brought honor to him; and

WHEREAS, the State of Alabama is indebted to Dr. Richard Thigpen for the manner in which he has carried out his responsibilities at the University of Alabama; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That we heartily commend Dr. Richard Thigpen on his outstanding performance as acting chief officer of the University of Alabama and express our admiration and appreciation for his inspirational commitment to duty and his concern for his fellowman.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Dr. Richard Thigpen.

Which was read and referred to the Standing Committee on Rules.

Mr. Bank offered the following Senate Joint Resolution, to-wit:

S. J. R. 8. COMMENDING DR. F. DAVID MATHEWS FOR HIS SERVICE AS UNITED STATES SECRETARY OF HEALTH, EDUCATION AND WELFARE.

WHEREAS, Dr. F. David Mathews was appointed United States Secretary of Health, Education and Welfare in 1975; and

WHEREAS, the native of Grove Hill, Alabama, is only the second Alabamian in modern times to serve as a member of a United States President's cabinet; and

WHEREAS, Dr. Mathews brought honor and distinction to his state, nation and to himself in exhibiting on a rare scale his outstanding intellectual and administrative endowments, in his conscientious and intelligent leadership of one of the federal government's most complex and gigantic agencies; and

WHEREAS, over the years Dr. Mathews has undertaken and spearheaded numerous and worthwhile endeavors; and

WHEREAS, Dr. Mathews, in spite of his youth, has been recognized for his many accomplishments in education and for his unique advancement through the ranks, over a twenty-year period, at his beloved University of Alabama as student, dean of men, history teacher, vice-president and president; and

WHEREAS, Dr. Mathews has earned the respect and admiration, ranging from students to prominent national leaders, for his openness, frankness and sensitivity for the needs of others; and

WHEREAS, Dr. Mathews has served with honor, distinction and effectiveness on numerous educational and civic boards, thereby contributing to the betterment of the citizens of our beloved state and nation; and

WHEREAS, the honors bestowed on this humble man of Herculean energy are too numerous to list but include: The Algernon Sidney Sullivan award (the single University of Alabama President to ever have received that distinction); memberships in Phi Beta Kappa, Newcomen Society, and the Alabama Academy of Honor; the 1975 State Citizen of the Year by the Alabama Exchange Clubs, and the Jaycees' selection as one of the nation's ten Outstanding Young Men in 1969; and

WHEREAS, the Alabama legislature wishes to commend Dr. F. David Mathews on a job well done and thank him for his selfless devotion and service to the citizens of our state and nation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Dr. F. David Mathews, who has long been a great source of pride for all Alabamians, is heartily commended for his distinctive service as United States Secretary of Health, Education and Welfare and for his inspirational dedication and tireless energies in many spheres of activity for the welfare and progress of our state and nation.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Dr. F. David Mathews and to the University of Alabama for its archives.

Which was read and referred to the Standing Committee on Rules.

Mr. Jones offered the following Senate Joint Resolution, to-wit:

S. J. R. 9. COMMENDING MARCIA KUNSTEL FOR HER "CAPITOL HILL" COVERAGE AND WISHING HER SUCCESS IN HER NEW JOURNALISTIC ENDEAVOR.

WHEREAS, Ms. Marcia Kunstel has been staff writer for The Montgomery Advertiser during the last twenty-three months; and

WHEREAS, Ms. Kunstel has worked diligently in covering the activities of the legislature and state government from "Capitol Hill"; and

WHEREAS, Ms. Kunstel, who began with The Advertiser in police reporting five years ago, has demonstrated unique sensitivity to fair political reporting; and

WHEREAS, Ms. Kunstel's columns have been read by thousands; and

WHEREAS, Ms. Kunstel has made a great contribution to the citizens of this State by keeping them informed of the affairs of their government; and

WHEREAS, Ms. Kunstel will be moving to Atlanta to assume new journalistic responsibilities and her vision in political news reporting will be greatly missed in Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body wishes to commend Ms. Marcia Kunstel for her outstanding news coverage at "Capitol Hill" and wishes her much success in her new journalistic endeavors in Atlanta, Georgia.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Ms. Marcia Kunstel.

Which was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Crowe:

H. J. R. 2. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a committee of three members of the House, to be named by the Speaker of the House, and

two members of the Senate, to be named by the Presiding Officer of the Senate, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

And the Speaker has named Messrs. Cates, Moore (W) and Roberts.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolution, H. J. R. 2, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

And the President and Presiding Officer appointed as members on part of the Senate Messrs. Miller and Teague.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Crowe:

H. J. R. 3. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a joint session of the House and Senate be held at 6:15 P.M. on February 1, 1977 for the purpose of hearing the message of the Honorable George C. Wallace, Governor of Alabama.

AND BE IT FURTHER RESOLVED, That a committee of three from the House, to be named by the Speaker of the House, and a committee of two from the Senate to be named by the Presiding Officer of the Senate, be appointed to wait upon the Governor and advise him for the purpose of receiving his message, and that said Committee also serve as a Committee to escort the Governor to the House for the joint session.

And the Speaker has appointed Messrs. Moore (O), Armstrong and Porter.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolution, H. J. R 3, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

And the President and Presiding Officer appointed as members on part of the Senate Messrs. Goodwin and St. John.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:



By Mr. Crowe:

H. J. R. 4. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That when the two Houses adjourn today, they adjourn to meet again on Thursday Feb. 3, 1977.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolution, H. J. R. 4, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

#### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment of Brigadier General.

Respectfully submitted,  
HENRY B. STEAGALL, II,  
Executive Secretary.

Done this 1st day of February, 1977.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Henry B. Gray, III, Eufaula, Alabama, as Brigadier General to serve as Deputy Commander of the 167th Support Command (Corps).

Respectfully,  
GEORGE C. WALLACE,  
Governor.

Done this 1st day of February, 1977.

#### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Crowe:

H. J. R. 5. WHEREAS, the lower 48 United States are experiencing a dire need for natural gas, the impact of which is causing serious economic and citizen hardships, and

WHEREAS, the vast discovery of natural gas in the Prudhoe Bay Field on the North Slope of Alaska will offer a new supply source that could improve the requirements of our residential, commercial and industrial sectors, and

WHEREAS, Southern Natural Gas Company, the major supplier of natural gas to the State of Alabama, has negotiated a contract with the State of Alaska for the purchase of a significant quantity of the royalty natural gas from Alaska, and

WHEREAS, under the terms of the contract between Southern Natural Gas Company and the State of Alaska, approximately 650 billion cubic feet of natural gas would be delivered to our area of the country over a period of twenty years, and

WHEREAS, this contract must be approved by the Legislature of the State of Alaska.

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that the State of Alabama urges the Legislature of our sister state, the State of Alaska, to lend its approval to this contract and to take the necessary steps to the end that the contract will be ratified and the natural gas can be expeditiously transported for use by our citizens and industries.

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Clerk of the House to the Governor and Lieutenant Governor of the State of Alaska, to the Congressional Delegation from the State of Alaska and to the Congressional Delegation from the State of Alabama.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolution, H. J. R. 5, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

#### RESOLUTIONS

Mr. McDonald (A) offered the following Senate Joint Resolution, to-wit:

##### S. J. R. 10. COMPENSATION OF THE JUDGES.

WHEREAS the State Judicial Compensation Commission under the provisions of Section 6.09 of Article VI of the Constitution of Alabama has submitted a report to the Legislature of Alabama relative to the salaries of the Judges of the courts of the State of Alabama.

NOW, THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, that under the Provision of Section 6.09 (d) the report is hereby rejected.

Which was read and referred to the Standing Committee on Rules.

Messrs. King and McDonald (A) offered the following Senate Joint Resolution, to-wit:

**S. J. R. 11. COMMENDING THE GRISSOM DISTANCE RUNNERS FOR BREAKING THE STATE 24-HOUR RELAY RECORD.**

WHEREAS, The Grissom 24-Hour Relay Team ran 242 miles and 10 yards, breaking the Alabama State record listed by Runner's World, the originator, sponsor and record keeper for the 24-Hour Relay; and

WHEREAS, the relay team worked diligently, long and hard to break this record; and

WHEREAS, the enthusiastic spirit and sportsmanship exhibited by the distance runners was outstanding; and

WHEREAS, Coaches Adam Williamson, Jim Batte and Morris Johnson are due much credit not only for the high degree of skillful instruction but also for the fine spirit and support shown to the team; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend the Grissom Distance Runners for their outstanding record.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the coaches, to each team member and to the Huntsville Track Club.

On motion of Mr. King, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Goodwin, Perry, Gilmore, Vacca, Mitchell, Miller, Mims, Little, Wilson, Littleton, Pearson, Clemon, Teague, McDonald (A), Owen, Perloff, Jones, Adams, St. John, Noonan, Edwards, Shelby, Powell, Roberts, McDonald (S), Bank, Fine, Ellis, King, McMillan, Waldrop and Stewart offered the following Senate Joint Resolution, to-wit:

**S. J. R. 12. NAMING A PORTION OF U.S. HIGHWAY 80 THE WALTER C. GIVHAN PARKWAY.**

WHEREAS Walter C. Givhan, a native of Perry County, was born May 7, 1902, attended schools in Linden, and in 1921 received his Bachelor of Science degree in agriculture from North Georgia College; and

WHEREAS Walter C. Givhan was first elected to the Alabama House of Representatives in 1930, where he served for sixteen years and in 1954 was elected for the first of six terms to the Alabama Senate, thus establishing more tenure in the legislature than anyone in Alabama history; and

WHEREAS Senator Givhan's record of service to his area and to Alabama is unprecedented: he was instrumental in the establishment of a system of trade schools and junior colleges throughout the state; he fought for an inland docks system; he was an advocate of an improved highway system; and for the thirty-eight years of his tenure in the legislature, every major piece of legislation that was beneficial to farmers had the Givhan support; and

WHEREAS Senator Givhan exemplified humility, great dignity, loyal representation and outstanding statesmanship; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the portion of U.S. Highway 80 from Montgomery to the Mississippi state line be designated the Walter C. Givhan Parkway; and

BE IT FURTHER RESOLVED, That the Alabama highway department be ordered, and is hereby directed to designate the above described portion of U.S. Highway 80 in accordance with this Resolution.

On motion of Mr. Goodwin, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Noonan, Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop and Wilson offered the following Senate Joint Resolution, to-wit:

**S. J. R. 13. MOURNING THE DEATH OF HIS EXCELLENCY, THE MOST REVEREND ARCHBISHOP THOMAS J. TOOLLEN.**

WHEREAS, His Excellency, The Most Reverend Archbishop Thomas J. Toolen, retired Archbishop of Mobile-Birmingham Diocese, and outstanding and beloved citizen of the State of Alabama, slipped quietly in death from our midst on December 4, 1976, in Mobile; and

WHEREAS, this venerable and beloved man was the devoted spiritual leader of more than 140,000 Catholics in Alabama and Northwest Florida for over forty years; and

WHEREAS, Archbishop Toolen's citizenship in Alabama dates back to May 18, 1927, when he arrived from his native Baltimore, Maryland, to be installed as the sixth Bishop of Mobile Diocese; and

WHEREAS, in the forty-two years of his episcopacy Archbishop Toolen became THE symbol of the Catholic Church in Alabama and during his tenure he spearheaded the construction of more than 700 buildings, including 189 churches, 23 hospitals and more than 100 elementary and high schools, all of which contributed to the progress and welfare of this state; and

WHEREAS, the indomitable pioneering spirit and courage of this dauntless Christian leader were evident from the early years of his arrival in Alabama when he initiated and continued an expansive building program across our State in spite of the challenges and hardships of the Great Depression; and

WHEREAS, during his missionary and pastoral ministry, Archbishop Toolen travelled over one million miles in Alabama and Northwest Florida, spreading the gospel message in both eloquent oratory and humorous parables, and compassionately ministering to the needs of the orphans, the homeless, the sick, the dependent and the unwanted; and

WHEREAS, Archbishop Toolen engendered among the citizens of this State not only deep personal spiritual convictions, but he was at the forefront in enkindling the spirit of patriotism in his people, by establishing U.S.O. Clubs and leading war bond efforts; and

WHEREAS, Archbishop Toolen was a bold and consistent spokesman for the rights, liberties and dignity of all men, and was fearless in invoking all to meet their duties to God, their families, their state and their nation; and

WHEREAS, the honors bestowed on Archbishop Toolen during his sixty-six years as a priest and almost fifty years as a bishop, are too numerous to enumerate, they include the following: Named by Pope Pius XII as "Assistant at the Papal Throne" in 1949 and as "Archbishop ad Personam" in 1954; recipient of honorary degrees from St. Bernard College, Cullman, Alabama; Spring Hill College, Mobile, Alabama; Loyola College, Baltimore, Maryland (from which he graduated); St. Michael College, Winooski Park, Vermont; and the University of Alabama; the recipient of Shield of Blessed Gregory X, Crusader, the highest honor of the National Holy Name Society, in 1958; in 1961, Italy conferred its Commander of Order of Merit and The Knights of St. Peter Claver presented him their St. Peter Claver award; in 1962, Lebanon gave him its "Order of Cedars" medal; in 1966, the National Catholic Polish Union awarded him a Polish Citation and the Alabama Senate commended him by resolution for his leadership and wise guidance in behalf of the State of Alabama; and additionally, his peers lauded him as "Bishop of Catholic Action," "Bishop of Charity" and "The Greatest Catholic Missionary Bishop in the United States"; and

WHEREAS, Archbishop Toolen's warmth, love and affection for people was only exceeded by the self-same warmth, love and affection returned by them to him; and

WHEREAS, the citizens of the State of Alabama are immeasurably richer for having had Archbishop Thomas J. Toolen to live in their midst and to inspire the lives and hearts of so many, regardless of religious affiliations; and

WHEREAS, Archbishop Toolen throughout his life actively exemplified his episcopal motto, "Soli Deo Honor et Gloria" ("To God Alone be Honor and Glory"); now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body mourns the death of His Excellency, The Most Reverend Thomas J. Toolen, and does wish to convey to the Catholic community our shared sense of personal loss which his death creates.

BE IT FURTHER RESOLVED, That by this Resolution we will perpetuate in our State's archives the memory of this man of legendary stature so that all our people may be inspired by his deep love for God, mankind and country.

RESOLVED FURTHER, That copies of this Resolution be sent to The Most Reverend John L. May, D.D., Bishop of Mobile and to the family of His Excellency, The Most Reverend Archbishop Thomas J. Toolen.

On motion of Mr. Noonan, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Noonan offered the following Senate Joint Resolution, to-wit:

S. J. R. 14. COMMENDING THE CRICHTON OPTIMIST CLUB FOR ITS WORK WITH THE YOUTH OF MOBILE COUNTY AND THE STATE.

WHEREAS, The Crichton Optimist Club was awarded by the Mobile Civic Round Table recognition as the Outstanding Civic Club of Mobile (having 50 or less members) for the year 1975-76; and

WHEREAS, the Crichton Optimist Club has very ably carried out its purpose of youth recognition through such programs as: Youth Appreciation Week, oratorical contests, citizenship medals, and weekly football and tennis awards; and

WHEREAS, many recipients of the football awards have gone on to achieve recognition in the college and pro ranks; and

WHEREAS, the football award program has not only been well received by the football players and high school coaches, but by the community as well; and

WHEREAS, the football award program, now 20 years old, has withstood the test of time and has done much to help the youth of Mobile and has brought national recognition to the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we wholeheartedly commend and thank the Crichton Optimist Club for the outstanding contributions it has made to the youth of Mobile County and the State of Alabama.

On motion of Mr. Noonan, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Owen offered the following Senate Resolution, to-wit:

S. R. 15. INSTRUCTING THE SECRETARY OF SENATE TO PREPARE A HISTORY OF THE SENATE.

WHEREAS, There has never been written a history of the Alabama Senate since its inception in the early 1800's; and

WHEREAS, The entire nation has been made conscious of our rich heritage during the past Bicentennial Year; we in Alabama particularly can look back with pride to our founding fathers, who made history in this very Chamber; and

WHEREAS, The compilation of such a history of the Senate will involve a tremendous amount of expert research, but with the passage of time, a project of this magnitude should not be delayed any longer; now, therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, That the Secretary of the Senate is instructed to prepare a history of the Senate of Alabama.

On motion of Mr. Owen, the Rules were suspended and the Resolution was adopted by the Senate.

#### NOTICE IN WRITING

Mr. Little offered the following Notice in Writing, to-wit:

NOTICE IN WRITING OF MOTION TO AMEND THE RULES.

Mr. President:

Notice is hereby given in accordance with the Senate Rules that on the next legislative day a motion will be made to amend Senate Rule 20 as follows:

Rule 20. The Committee on Rules may at any time report a special rule that debate on a pending measure shall cease at a certain hour and a vote be taken on the measure. In addition thereto a petition signed by six or more senators to the effect that debate on a pending measure shall cease at a certain hour and a vote be taken on the measure filed with the Secretary while the Senate is in session, shall have the same effect as a report of the Committee on Rules regarding debate. The consideration of such special rule shall not exceed thirty minutes, when a vote shall be taken thereon; and if three-fifths of the members elected shall vote to limit debate, then said rule shall have been adopted by the Senate.

Which was read and ordered spread upon the Journal.

## RESOLUTION

Mr. Jones offered the following Senate Joint Resolution, to-wit:

S. J. R. 16. COMMENDING MARCIA KUNSTEL FOR HER "CAPITOL HILL" COVERAGE AND WISHING HER SUCCESS IN HER NEW JOURNALISTIC ENDEAVOR.

WHEREAS, Ms. Marcia Kunstel has been staff writer for The Montgomery Advertiser during the last twenty-three months; and

WHEREAS, Ms. Kunstel has worked diligently in covering the activities of the legislature and state government from "Capitol Hill"; and

WHEREAS, Ms. Kunstel, who began with The Advertiser in police reporting five years ago, has demonstrated unique sensitivity to fair political reporting; and

WHEREAS, Ms. Kunstel's columns have been read by thousands; and

WHEREAS, Ms. Kunstel has made a great contribution to the citizens of this State by keeping them informed of the affairs of their government; and

WHEREAS, Ms. Kunstel will be moving to Atlanta to assume new journalistic responsibilities and her vision in political news reporting will be greatly missed in Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body wishes to commend Ms. Marcia Kunstel for her outstanding news coverage at "Capitol Hill" and wishes her much success in her new journalistic endeavors in Atlanta, Georgia.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Ms. Marcia Kunstel.

On motion of Mr. Jones, the Rules were suspended and the Resolution was adopted by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 5. Urging the State of Alaska to lend its approval of a contract with Southern Natural Gas Company.

JOHN W. PEMBERTON,  
Clerk.

## SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

## REPORT OF THE SUNSET REVIEW COMMITTEE

The following communication from the Sunset Review Committee was read and ordered filed with the Secretary, to-wit:

SENATE CHAMBER  
MONTGOMERY, ALABAMA 36130

February 1, 1977

Honorable Jere Beasley  
Lieutenant Governor  
State of Alabama  
State Capitol Building  
Montgomery, Alabama 36130

Dear Governor:

Submitted herewith are the resolutions containing recommendations of the joint committee appointed pursuant to the "Alabama Sunset Law of 1976", for the continuation or the termination of the agencies relative to which hearings have been held. All criteria data supporting said resolutions are on file in the office of the House Committee on Ways and Means and are available to the members of the Legislature for review.

The Sunset Review Committee,

By L. D. Owen, Jr.,  
Co-Chairman.

## RECESS

At 2:45 P.M., Mr. Fine moved that the Senate take a recess until 6:15 P.M., at which time the Message of His Excellency, the Governor, will be delivered in Joint Session and further moved that at the completion of the Joint Session, the Senate adjourn until Thursday, February 3, 1977, at 9 o'clock A.M., which motion was adopted.



## JOINT SESSION

At 6:15 P.M., in accordance with motion heretofore adopted, the Senate assembled in the Hall of the House of Representatives for the purpose of hearing the message of His Excellency, the Governor, Honorable George C. Wallace.

The Session was called to order by Lieutenant Governor Beasley, President and Presiding Officer of the Senate. A quorum of the Legislature was present.

MESSAGE FROM  
HIS EXCELLENCY,  
GOVERNOR GEORGE C. WALLACE  
CONCERNING

THE STATE OF THE STATE  
(See House Journal for Governor's Message.)

## ADJOURNMENT

The purpose of the Joint Session having been accomplished, at 7 o'clock P.M., in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Thursday, February 3, 1977, at 9 o'clock A.M.

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SECOND LEGISLATIVE DAY  
THURSDAY, FEBRUARY 3, 1977

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

## PRAYER

The Session was opened with prayer by Mr. Gary M. Bradley, Minister, Landmark Church of Christ, Montgomery, Alabama.

## COMMUNICATION FROM SECRETARY OF STATE

The following certificate of election was read by the Secretary:

STATE OF ALABAMA  
DEPARTMENT OF STATE

I, Mrs. Agnes Baggett, Secretary of State of Alabama, do hereby certify that it appears from the returns of the election held on February 1, 1977, received in this Department in accordance with law, that the following named person was elected to the State Senate to fill a vacancy in said State Senate created by the resignation of the Honorable Ronnie G. Flippo, from the First District as follows:

DISTRICT NO. 1—Oscar Ray Peden.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State, at the Capitol, in the City of Montgomery, this the 2nd day of February, One Thousand Nine Hundred and Seventy-Seven.

MRS. AGNES BAGGETT,  
Secretary of State.

#### OATH OF OFFICE

Upon the request of the President and Presiding Officer of the Senate, Honorable Jere Beasley, Senator-elect Peden came forward, presented his credentials, and Honorable Jere Beasley administered to him the oath of office prescribed by the Constitution of the State, and Senator-elect Peden came forward and subscribed his name to the oath of office as follows:

"I, Oscar Ray Peden, solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Alabama so long as I continue a citizen thereof and that I will faithfully and honestly discharge the duties of the office upon which I am about to enter to the best of my ability. So help me God."

"OSCAR RAY PEDEN".

#### ROLL CALL

Present:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Powell, Roberts, St. John, Shelby, Teague, Vacca.

—30

#### JOURNAL

On motion of Mr. Fine, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

#### LEAVE OF ABSENCE

On motion of Mr. Fine, leave of absence was granted Messrs. Perry, Stewart, Waldrop and Wilson, for today.

#### REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the First Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

OBIE J. LITTLETON,  
Acting Chairman.

## COMMITTEE REPORT

On motion of Mr. Littleton, the foregoing report was concurred in and the Journal of the Senate for the First Legislative Day was approved by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Messrs. Holmes (A) and Crowe:

H. J. R. 6. Commending and thanking Colonel E. C. Dothard and the Alabama State Troopers for their work during the recent snow and subfreezing weather.

Also:

By Messrs. Holmes (A) and Crowe:

H. J. R. 7. Commending and thanking the Montgomery Police Department and Road Crews for their work during the recent snow and subfreezing weather.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Noonan, the Rules were suspended and the Resolutions, H. J. R.'s 6 and 7, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

STANDING COMMITTEE RESIGNATIONS  
AND APPOINTMENTS ANNOUNCED

The President and Presiding Officer announced the resignation of Senator Mims from the Standing Committee on Seaports and Inland Waterways, and the resignation of Senator King from the Standing Committees on Conservation and State Government.

The President and Presiding Officer of the Senate also announced that Senator Peden has been appointed to the Standing Committees on Judiciary, Constitution and Elections, Seaports and Inland Waterways, Education, and Local Legislation No. 1.

## INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Messrs. King, Pearson, St. John, Baker, Roberts and McDonald (A):

S. 314. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, relating to the legislative department of state government; to repeal specifically the following Sections thereof: 49, 57, 69, 74, 75, 77, 84, 85, 86, 87, 90, 92, 102, 103, 109 and 238; to amend and supersede the following Sections: 44, 45,

46, 47, 48, 51, 52, 53, 54, 55, 56, 58, 59, 61, 62, 63, 64, 66, 67, 70, 71, 72, 73, 76, 83, 104, 105, 106, 107, 110, and 111, and Constitutional Amendments No. 39, 57, 97, 159, and 339, and to supersede and repeal all other conflicting provisions thereof.

Committee on Constitution and Elections.

The above Bill was read a first time at length as required by the Constitution.

By Mr. King:

S. 315. Incorporated municipalities shall be authorized to annex territory which lies and is located in, and which is enclosed within the corporate limits of such municipality and has been so enclosed for a period of five years or more; prescribing procedures for the annexation of such territory.

Committee on Local Government.

By Mr. King:

S. 316. To amend Section 1 of Act 2228, Regular Session of the Alabama Legislature, Volume 5, page 3585, Acts of Alabama 1971, which act provides additional alternative procedures whereby incorporated municipalities with populations of 2,000 or more may alter their corporate limits, so as to provide a procedure for altering the corporate boundaries of such incorporated municipalities in the event one or more such incorporated municipalities have overlapping police jurisdictions.

Committee on Local Government.

By Mr. Baker:

S. 317. To amend Section 4 of Act No. 1103, S. 834, of the 1973 Regular Session (Acts 1973, Vol. III, p. 1867), which act relates to the office of clerk-secretary to each circuit judge of the Thirty-eighth Judicial Circuit, so as to further regulate the salary of said clerk-secretary; and to make the effect of its provisions retroactive to October 1, 1976.

Committee on Local Legislation No. 1.

By Mr. Vacca:

S. 318. To validate, in certain cases, annexations heretofore held by municipalities.

Committee on Local Government.

By Mr. Vacca:

S. 319. To validate in certain cases elections heretofore held in municipalities or counties on the question of the issuance of bonds.

Committee on Local Government.

By Mr. Vacca:

S. 320. To validate in certain cases municipal corporations attempted to be organized under the laws of Alabama which might be invalid because of any irregularity in the procedure for incorporation.

Committee on Local Government.

By Mr. Vacca:

S. 321. To validate in certain cases elections held in municipalities or counties on the question of authorizing any special taxes under the Constitution.

Committee on Local Government.

By Mr. Pearson:

S. 322. Regulating certain marital relationships; proscribing legal recognition of the status known as common law marriage; prescribing penalties for violations of this act.

Committee on Judiciary.

By Mr. Pearson:

S. 323. To amend Section 131 of Title 29, Code of Alabama 1940, which section deems it unlawful to sell, give away or possess apparatus to be used for manufacturing any prohibited liquors or beverages so as to exempt from such provisions certain purchases of wine making kits.

Committee on Judiciary.

By Messrs. Ellis and Fine:

S. 324. To amend Section 4 of Act No. 712, H. 48, Acts of Alabama 1951 (Acts 1951, Vol. II, p. 1250) relating to tourist advertising, to permit intra-state advertising of state-owned parks by bureau of publicity and information.

Committee on Conservation.

By Mr. Ellis:

S. 325. To require that the attorney general submit, within sixty days, all laws passed by the Alabama legislature, whether local or general, to the U. S. Justice Department or the U. S. District Court in Washington, D. C., if they might in any way be construed to affect voting rights under the Civil Rights Act of 1965 or any of the amendments thereto.

Committee on Constitution and Elections.

By Messrs. Ellis and St. John:

S. 326. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, relating to the legislative department of state government; to repeal specifically the following Sections thereof: 49, 57, 65, 68, 69, 74, 75, 77, 78, 79, 80, 81, 84, 85, 86, 87, 88, 90, 92, 95, 99, 101, 102, 103, 108, 109, 229 and 238; to amend and supersede the following Sections: 44, 45, 46, 47, 48, 51, 52, 53, 54, 55, 56, 58, 59, 61, 62, 63, 64, 66, 67, 70, 71, 72, 73, 76, 82, 83, 97, 98, 100, 104, 105, 106, 107, 110, and 111, and Constitutional Amendments No. 39, 57, 97 and 159; and to supersede and repeal all other conflicting provisions thereof.

Committee on Constitution and Elections.

The above Bill was read a first time at length as required by the Constitution.

By Messrs. Ellis, King and St. John:

S. 327. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, relating to the executive department of state government; repealing and superseding Article V of the Constitution of Alabama, as amended, and Amendments No. 38 and 282 and all other conflicting provisions of said constitution.

Committee on Constitution and Elections.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Shelby:

S. 328. To amend Section 120 of Act 407, HB 198, Regular Session, 1971, (Acts of Alabama, 1971, Volume II, Page 774), as amended, which regulates the licensing of insurance agents, by limiting the persons to whom licenses may be issued and establishing qualifications required for said persons to be issued a license.

Committee on Insurance.

By Mr. Shelby:

S. 329. To amend Section 120 of Act 407, HB 198, Regular Session 1971, (Acts of Alabama 1971, Volume II, Page 774), as amended, which regulates the licensing of insurance agents, by imposing the requirement of satisfactory completion of a classroom pre-qualification course prior to taking the written examination as provided in Section 120, paragraph (8).

Committee on Insurance.

By Mr. Shelby:

S. 330. Relating to counties having a population of not less than 115,000 nor more than 150,000 inhabitants according to the most recent federal decennial census; to provide that if a defendant in a criminal case enters a written plea of not guilty prior to his arraignment such plea shall constitute a waiver of his right to have an arraignment at which he is present in person or represented by an attorney.

Committee on Local Legislation No. 1.

By Mr. Shelby:

S. 331. Relating to counties having a population of not less than 115,000 nor more than 150,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide that any defendant in a criminal case represented by counsel may enter a written plea of not guilty prior to his arraignment, and any such plea shall constitute a waiver of his right to have an arraignment at which he is present in person or represented in person by an attorney.

Committee on Local Legislation No. 1.

By Mr. Shelby:

S. 332. To amend Act No. 763, H. 286, Regular Session 1973 (Acts 1973, p. 1145), which act provides a subsistence allowance for law enforcement officers while on duty, so as to include law enforcement officers of the Department of Mental Health.

Committee on Finance and Taxation.

By Mr. Shelby:

S. 333. To provide for the cooperation and continuing legal education of school board attorneys; to authorize boards of education to expend funds for such purposes.

Committee on Finance and Taxation.

By Mr. Shelby:

S. 334. Relating to all counties having a population of not less than 115,000 nor more than 150,000 inhabitants according to the 1970 or any subsequent federal decennial census; providing for additional times when real property may be returned and valued for ad valorem tax purposes.

Committee on Local Legislation No. 1.

By Mr. Shelby:

S. 335. To provide that any defendant represented by counsel in a criminal case may enter a written plea of not guilty prior to his arraignment, and that such plea shall constitute a waiver of his right to have an arraignment at which he is present in person or represented in person by an attorney.

Committee on Judiciary.

By Mr. Shelby:

S. 336. To provide that persons convicted three times for certain violent criminal acts shall be imprisoned for natural life without benefit of parole, probation, suspension of sentence, or credit for good behavior; and to provide that the provisions of this act shall apply exclusively where the offense is also punishable under other provisions of law.

Committee on Rules.

By Mr. Gilmore:

S. 337. To provide that members of the Enforcement Division of the Public Service Commission designated in writing by the Public Service Commission shall have the powers of peace officers and deputy sheriffs in this State and may exercise such powers anywhere within the State.

Committee on Finance and Taxation.

By Mr. Gilmore:

S. 338. To place certain restrictions on the charging of late fees by utility companies.

Committee on Commerce, Transportation,  
and Utilities.

By Mr. Little:

S. 339. To provide a tax credit not to exceed one thousand dollars (\$1,000.00) in an amount equal to 25% of the cost of equipment used in the taxpayer's principal residence for solar heating, cooling or heating and cooling if the residence is located in Alabama.

Committee on Finance and Taxation.

By Mr. Little:

S. 340. To require that city and county boards of education, the State Board of Education, the Department of Youth Services and the Alabama Institute for Deaf and Blind reimburse its employees for mileage when said employees are required to travel as a part of their job assignment.

Committee on Education.

By Mr. Little:

S. 341. To make appropriations from the Alabama Special Education Trust Fund for the support and maintenance of the Lyman Ward Military Academy located at Camp Hill, Alabama for the fiscal year ending September 30, 1978.

Committee on Finance and Taxation.

By Mr. Adams:

S. 342. To amend Section 2-607, (3)(a) of Act No. 549, S. 2, Regular Session 1965 (Acts 1965, p. 811), now appearing as Title 3A, Section 2-607, (3)(a), Code of Alabama 1940, Recompiled 1958, relating to breach, repudiation, or excuse of contractual obligations between buyers and sellers under Alabama's Uniform Commercial Code, so as to provide that filing of suit by a buyer is proper and adequate notice to a seller of seller's breach of contract.

Committee on Judiciary.

By Mr. Adams:

S. 343. To amend further Section 464, Title 51, Code of Alabama 1940, so as to increase the price of a motor vehicle dealer's tag from one dollar to twenty dollars.

Committee on Judiciary.

By Mr. Adams:

S. 344. Relating to the state-wide testing of pupils in public schools; providing for the responsibilities of the state and local boards of education in administering such program; requiring the evaluation and publication of the results of such testing in each county for the purpose of assessing the quality of the various systems and the teachers' effectiveness.

Committee on Finance and Taxation.

By Mr. Adams:

S. 345. To authorize and direct the Alabama Board of Nursing to promote continuing education for nurses, and to make an appropriation to



the Alabama Board of Nursing to fund the development and production of continuing nursing education programs, seminars and workshops for nurses.

Committee on Finance and Taxation.

By Mr. Edwards:

S. 346. To provide limited tort immunity to school boards or systems in cases where students leave the campus with the written permission of their parent.

Committee on Judiciary.

By Mr. Powell:

S. 347. Relating to judicial procedure; to prohibit the obtaining or attempting to obtain certain settlements, releases or statements from certain injured persons; and to prohibit the introduction into evidence in any court of any settlement or release obtained contrary to the provisions of this act.

Committee on Judiciary.

By Mr. Powell:

S. 348. To amend Sections 1 through 5 of Act No. 110, H. 100 of the First Special Session of 1965 (Acts 1965, Vol. I, p. 159), which act provides for the establishment, maintenance and operation of a trade school for the prison system, so as to transfer its operation and the land, personal property and buildings to the state board of education.

Committee on Finance and Taxation.

By Messrs. Jones, Perry, Stewart, Noonan and Ellis:

S. 349. To amend Section 15, Title 51, Code of Alabama 1940 relating to homestead exemptions so as to increase the amount of said exemption.

Committee on Judiciary.

By Mr. Jones:

S. 350. To further amend Act No. 60, Second Special Session, 1965, as amended by Act No. 2421, Regular Session 1971, which said act levies and provides for the collection of tax upon each criminal and quasi-criminal case and each suit at law or in equity docketed in every Court in the State of Alabama, with certain enumerated exceptions as to Courts and cases; to appropriate the funds derived from said tax for the purpose of paying fees of counsel, court reporters, clerks and registers and other expenses in certain cases wherein the accused is indigent and a portion of the expenses of counties maintaining public defender offices; to specifically amend Section 3 of said Act No. 60, as last amended.

Committee on Local Government.

By Mr. Mims:

S. 351. To provide for the leasing of board of corrections land for farming purposes by means of competitive public bids, to natural persons who are residents of the State of Alabama.

Committee on Finance and Taxation.

By Mr. Owen:

S. 352. To provide a state scholarship program to promote the post baccalaureate education of graduate nurses in an accredited graduate nursing program in Alabama, and making appropriations therefor.

Committee on Finance and Taxation.

By Mr. Mitchell:

S. 353. To establish standards under which municipalities may purchase personal services or personal properties from the elected officials of such municipalities under certain enumerated circumstances and conditions; to require disclosures; to establish procedures; to repeal conflicting laws and statutes.

Committee on Local Government.

By Mr. Mims:

S. 354. Relating to soil surveys; to provide for accelerating the soil survey in Alabama so that soil mapping, classification, and interpretation may be completed in 10 years, and to make an appropriation for this purpose.

Committee on Finance and Taxation.

By Messrs. Owen, Clemon, Bank and Teague:

S. 355. To amend Section 33, Act 100, Second Special Session 1959, to exempt food purchased for human consumption that will be prepared and consumed off premises and also to exempt prescription drugs.

Committee on Finance and Taxation.

By Mr. Jones:

S. 356. To provide that the fire fighters of any municipality may by the election provided for in this Act designate a bargaining agent to represent them in respect to the wages the municipality employing them pays to them as fire fighters and in respect to other conditions of their employment; to provide the procedure for elections to be called and held under this Act, including the elections to certify a bargaining agent and elections to decertify a bargaining agent; to provide for collective bargaining proceedings to be instituted by the bargaining agent for the fire fighters or the officer, commission or board empowered to establish wages for the fire fighters; to authorize the Director of Labor to establish rules and regulations governing the call of, notice of and conduct of elections held hereunder; to provide for a procedure for binding arbitration; to provide for the appointment of arbitrators and define said arbitrators' jurisdiction and authority; to provide that the arbitrators' decision shall be binding upon all parties; and to provide for the enforcement of such decision by the circuit court and to provide for penalties; and to provide

that this Act shall be known as the "Fire Fighters' Employee-Employer Relations Act," and that the provisions thereof are supplementary to and shall be construed in *pari materia* with Act No. 229, H. 146 (Acts 1967, p. 598).

Committee on Insurance.

By Mr. Baker:

S. 357. To amend further Act No. 206, H. 1, Third Special Session, 1975 (Acts 1975, p. 474), relative to lengths and periods of time for law enforcement officers established for certain increased allowances, so as to include Wildlife Management Area Managers of the Game and Fish Division of the Department of Conservation and Natural Resources within the provisions of the act.

Committee on Finance and Taxation.

By Mr. Baker:

S. 358. To amend further Act No. 1180, H. 66, Regular Session 1975 (Acts 1975, p. 2311), relative to overtime payment or compensatory time for state law enforcement officers, so as to include Wildlife Management Area Managers of the Game and Fish Division of the Department of Conservation and Natural Resources within the provisions of this act.

Committee on Finance and Taxation.

By Mr. Baker:

S. 359. To amend Act No. 763, H. 286, Regular Session 1973 (Acts 1973, p. 1145), relative to subsistence allowances for law enforcement officers, so as to include Wildlife Management Area Managers of the Game and Fish Division of the Department of Conservation and Natural Resources within the provisions of the act.

Committee on Finance and Taxation.

By Mr. Peden:

S. 360. To provide further for the distribution of payments made by the Tennessee Valley Authority under Section 13 of the Tennessee Valley Authority Act (16 U.S.C. Section 8311).

Committee on Finance and Taxation.

By Mr. Mims:

S. 361. To protect the public safety by providing for notices to public utilities by persons excavating or discharging explosives near utility facilities or demolishing buildings containing utility facilities; to provide for notices to affected parties when underground facilities are damaged; to provide for the establishment of a rebuttable presumption of negligence for failure to comply with certain provisions of this act, and to prescribe penalties for violations hereof.

Committee on Commerce, Transportation,  
and Utilities.

By Mr. Mims:

S. 362. To amend Section 1 of Act No. 238, H. 288, approved July 27, 1953 (Acts of Alabama of 1953, Vol. I, p. 303, now appearing as Title 2, Section 23(1), Code of Alabama, Recompiled 1958), an Act providing for the designation of certain employees of the Department of Agriculture and Industries as "Cattle Theft Investigators" with authority of peace officers, etc.; to amend said Act No. 238 of 1953 to designate such employees of the Department of Agriculture and Industries as "Livestock Theft Investigators" with the power and authority of peace officers to conduct investigations and make arrests for any unlawful offense which may be exercised anywhere within the State of Alabama.

Committee on Agriculture.

By Mr. Mims:

S. 363. To protect the public safety by providing for notices to public utilities by persons excavating or discharging explosives near utility facilities or demolishing buildings contained utility facilities; to provide for notices to affected parties when underground facilities are damaged; to provide for the establishment of a rebuttable presumption of negligence for failure to comply with certain provisions of this act, and to prescribe penalties for violation hereof.

Committee on Commerce, Transportation,  
and Utilities.

By Messrs. King and Ellis:

S. 364. To propose and provide for the submission of an amendment to the Constitution of Alabama.

Committee on Constitution and Elections.

The above Bill was read a first time at length as required by the Constitution.

## REPORTS OF COMMITTEES

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Owen:

S. 155. To provide for a supplemental appropriation of \$3,000,000.00 from the state general fund, to be administered by the Board of Corrections, for the reimbursement of the various counties for expenses incurred by such counties for the housing and confinement of state prisoners in county jails pursuant to the United States District Court Order, Middle and Southern Districts, issued August 29, 1975; and to authorize the Board of Corrections to adopt administrative procedures for the reimbursement of said county expenses.

By Mr. Vacca:

S. 195. To allow as a deduction for the taxable year an amount equal to the aggregate of the net operating loss carryover to such year, plus the net operating loss carrybacks to such year.

By Mr. Vacca:

S. 196. To allow as a deduction for the taxable year an amount equal to the aggregate of the net operating loss carryover to such year, plus the net operating loss carrybacks to such year.

By Mr. Gilmore:

S. 159. To provide that boards of control of local school systems, state public educational institutions and agencies make available payroll deduction of dues for the local affiliate of any general incorporated statewide educators' organization if their employees request this service. Deduction of dues shall not be required for any organization which serves only persons employed in a particular subject matter area or that is not affiliated with a statewide educators organization which is incorporated under Alabama statutes.

By Mr. Owen:

S. 158. To establish a student assistance program in the State of Alabama to be known as the Alabama Student Grant Program, which will provide for state grants to certain approved institutions of postsecondary education in Alabama on behalf of and to the credit of eligible students who are bona fide residents of Alabama; to set forth legislative findings and purposes underlying the Program; to provide for the grants payable under the Program; to designate the Alabama Commission on Higher Education to administer the Program; to vest the Alabama Commission on Higher Education with the powers and duties reasonably needed for the effective implementation and administration of the Program; to establish various procedures and requirements concerning the availability of grants, applications for grants, approval and award of grants, renewal of grants, and revocation of grants; to prohibit the use of grants for religious or sectarian purposes and to prohibit the use of money raised for the support of public schools to support schools of a predominantly sectarian or denominational character; to provide for periodic auditing of approved institutions; to provide for periods when there may be insufficient funds to provide such eligible student with a full grant for the terms requested; to provide a penalty for false statements or misrepresentations in connection with the procurement of grants; to make an appropriation funding the program from the Special Education Trust Fund; to provide for severability; to repeal conflicting laws; and to provide an effective date.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Owen (With Substitute):

S. 17. To make appropriations for the support and maintenance of certain private schools and institutions of higher learning located in the State of Alabama for the fiscal year ending September 30, 1977.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Owen:

S. 65. To prescribe that any person traveling by commercial airline in the authorized service of the state shall be reimbursed for such transportation in an amount not to exceed the tourist fare.

By Mr. Bank:

S. 49. To amend Section 2 of Act No. 512, S. 128, Regular Session 1976 (Acts 1976, p. 640) so as to exempt from the application of the Alabama Sunset Law of 1976 institutions of higher education.

By Mr. Owen:

S. 24. To prohibit the use of state vehicles by state employees, appointed or merit system, except when on official duty for the state; and providing penalties for violations.

By Mr. Vacca:

S. 29. To amend further Act No. 763, H. 286, Regular Session 1973 (Acts 1973, p. 1145), which relates to subsistence allowances for law enforcement officers while on duty and to authorize expenditure of funds for that purpose, so as to add Department of Finance, Division of Service.

By Mr. Owen:

S. 23. To regulate lobbying by certain state employees; to require registration and recording of attendance; to impose penalties for failure to comply herewith; and to set out partial exemptions for certain classes of persons.

By Mr. Baker:

S. 18. To provide for distinctive motorcycle license plates for Shrine motorcycle club, corps or unit members; to provide for the design of such license plate; and to provide a procedure for issuance thereof.

By Mr. Owen:

S. 135. To appropriate \$35,000.00 from the Alabama Board of Nursing Trust Fund in the State Treasury to the Alabama Board of Nursing for the current fiscal year ending September 30, 1977, for purchasing replacement office equipment and furniture and additional equipment and furnishings necessitated by the move of and expansion of the Board office.

By Mr. Vacca:

S. 6. To amend the title and Section 1 of Act No. 1137, H. 1757, 1973 Regular Session (Acts of 1967, p. 1921; now appearing in Code of Alabama, Recompiled 1958, Title 36, Section 58 (74c) ) entitled, "An Act To

authorize the State Safety Coordinating Committee to allocate any of its funds to the Department of Education to establish a special fund to be designated as the 'Driver Education and Training Fund' for the express purpose of instituting and conducting a program of prelicensing driver education and training"; so as to extend the allocation of driver education funds to any educational institution in Alabama.

By Mr. Powell:

S. 62. To authorize and provide for the issuance of revenue bonds for the purpose of providing for the construction, reconstruction, improvement, alteration, enlargement and equipment of public office building facilities and of annexes, additions and enlargements of such buildings and for the acquisition of sites therefor; to authorize and provide for the establishment of a public corporation, to be known as the Alabama Capitol Building Authority, to issue such bonds; to provide that a part of the proceeds of such bonds shall be used by the authority established hereunder for the purpose of providing such public office building or buildings for the legislative branch of the government of the State of Alabama, that a part of such proceeds shall be used by the Alabama Building Authority for the purpose of constructing, altering and improving the public office building facilities heretofore constructed by such authority or for constructing and equipping of annexes, additions or enlargements of such building, and the remainder of the proceeds of such bonds shall be used by the Alabama Building Finance Authority for the purpose of constructing, altering and improving public office building facilities heretofore constructed by such authority or for constructing and equipping of annexes or additions to such buildings; to authorize the issuance of refunding bonds; to provide for the investment of the proceeds from the sale of such bonds; to provide that all properties procured, constructed or improved or enlarged with the proceeds of any bonds hereby authorized and the income therefrom and all bonds issued pursuant to this act and the income therefrom and all leases made and all lien notices filed relative to buildings or additions constructed, altered, improved or equipped pursuant to this act, shall be exempt from all taxation in the State of Alabama; to provide that such bonds shall constitute negotiable instruments; to provide that such bonds shall be payable solely out of revenues of the several authorities, respectively, and shall not create an obligation or debt of the state; to provide that any bonds issued pursuant to this act may be used as security for deposits and investment of public funds and fiduciary funds; to specify the application of the proceeds of the bonds issued pursuant to this act; to provide for the construction of public office building facilities, the alteration, construction of annexes or additions to, and improvement of public office building facilities and for the equipment of such facilities or additions thereto by the several authorities above listed; to authorize the conveyance to each of said authorities of lands owned by the State; to create a reserve fund for the benefit of the bonds issued pursuant to this act; to authorize the authority established hereunder to pledge such revenues from any facilities constructed under authority of this act as may be necessary to pay the principal of and interest on its bonds; to authorize the filing for record of an instrument reciting the issuance of said bonds and the creation of said pledge as a lien on said revenues which filing will constitute constructive notice; to provide that the state treasurer shall be the custodian of the funds of the authority; to provide for the lease to and by agencies, boards, commissions, public corporations, bureaus and departments of the State of

Alabama and of the United States, and private parties of space for occupancy in said facilities or additions thereto; and to authorize publication of notice of each resolution authorizing any bonds or pledge and to specify a limitation of time thereafter for actions or defenses respecting said bonds or pledge.

By Mr. Powell:

S. 69. To amend the title and Section 18 of Act No. 205 of the 1955 Regular Session of the Legislature of Alabama (Acts of 1955, p. 500), which Act authorizes and regulates the incorporation of the Alabama Building Authority, a public corporation for the purpose of borrowing money, issuing bonds and using the proceeds thereof for acquiring land and constructing, operating and maintaining, or causing to be constructed, operated and maintained, an office building or buildings, with the space therein to be rented to officers, agencies, boards, commissions, corporations and bureaus of the State of Alabama and of the United States, so as to provide that the Authority set up by that Act shall not be dissolved until all securities issued and obligations incurred by it have been paid in full.

By Mr. Powell:

S. 70. To amend the title and Section 25 of Act No. 658 of the 1961 Regular Session of the Legislature of Alabama (Acts of 1961, p. 806), which Act authorizes and regulates the incorporation of the Alabama Building Finance Authority, a public corporation for the purpose of borrowing money, issuing bonds and using the proceeds thereof for the constructing, reconstructing, improving, altering, and equipping of public office buildings and the acquisition of sites therefor, so as to provide that the Authority set up by that Act shall not be dissolved until all securities issued and obligations incurred by it have been paid in full.

By Mr. Owen:

S. 61. To make an appropriation to the Governor's Mansion Advisory Board.

By Mr. Fine:

S. 161. To regulate the expense allowances in the Twenty-Fifth Judicial Circuit for circuit judges and the district attorney; and to make the provisions of this Act retroactive to January 16, 1977.

By Mr. Owen:

S. 28. To require approval by the Building Commission and Director of Finance of any and all state property lease agreements.

By Mr. Baker:

S. 130. To appropriate \$200,000.00 from the special education trust fund in the state treasury for the construction, erection, maintenance and furnishing of a residence for the president of the Alabama A and M University.



By Mr. Bank:

S. 147. To further amend Section 5 of Act No. 21, H. 28, Special Session of 1969 (Acts of Alabama 1969, p. 46; now appearing in Code of Alabama 1940, Recompiled 1958, Title 51, Section 188(1) ) levying a privilege or license tax against certain persons and utilities on account of the furnishing of certain utility services and to prescribe the rates and exclusions therefrom so as to further provide for an exclusion for any individuals sixty-five years of age or over.

By Mr. Gilmore:

S. 160. To provide that the Administrative Director of Courts, with the approval of the Chief Justice, is authorized to appoint and employ not more than two confidential secretaries who shall serve at the pleasure of the Chief Justice; said secretary or secretaries shall be subject to the Merit System Act only as to pay plan, and shall be assigned to assist retired justices or judges who perform active duty for the Supreme Court or one or both of the courts of appeals.

By Mr. Waldrop:

S. 71. To amend the Alabama Civil Defense Act, Act No. 47, Regular Session 1955 (Acts 1955, p. 267, now appearing as Title 37A, Sections 19(66)-19(90), Code of Alabama, 1940, Recompiled 1958), so as to authorize state grants for local civil defense and emergency preparedness programs.

By Mr. Baker:

S. 131. To provide for and require an independent audit of all funds controlled by any public school.

By Mr. Owen:

S. 14. To amend the Title and Sections 1, 4, 7, 8, 9, 12, 14, 15, 20 and 21 of the Alabama Turnpike Authority Act, pertaining, respectively, to Legislative Purpose, Powers of the Authority, Bonds and Notes of the Authority, Security for the Bonds, Tolls and Other Charges, Exemptions from Taxation, Projects to be Kept in Good Repair, Regulations and Police Service for Projects, Refunding Bonds and Preliminary Study of Projects.

By Mr. McMillan:

S. 32. To prescribe regulations relative to the preparation and publication of reports to be issued for public circulation by all state agencies, commissions and departments.

By Mr. Owen:

S. 60. To amend Sections 39 and 40 of Title 8, Code of Alabama of 1940, by providing for certain increases in non-resident fishing license fees; establishing an issuance fee for non-resident licenses; providing for the distribution of the revenue obtained by such increase; providing for the deletion of any reference as to race from the application for said licenses and providing that such licenses may be used for fishing in any fresh, salt or brackish waters in this state.

Mr. Fine, Chairman of the Standing Committee on Banking, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Perloff:

S. 313. Relating to the regulated loan business; providing for regulation, examination, investigation, and licensing of individuals, firms, and corporations engaged in the business of making regulated loans and for the suspension and revocation of licenses issued hereunder for specified reasons; prescribing maximum rates of interest and other charges for loans; providing for the administration and enforcement of the Act, prescribing penalties, providing for the proper repeal of existing laws, including Section 18(f) of Act No. 2052, S. B. 122 of the Regular Session of 1971, approved October 1, 1971, relating to loans over \$300.00 and Act No. 374, H. B. 102 of the Regular Session of 1959, approved November 6, 1959, relating to the small loan business and Act No. 159, H. B. 233, approved June 23, 1945 (General Acts of Alabama, 1945, page 200), relating to the small loan business and providing for regulation of the same.

Mr. King, Chairman of the Standing Committee on Constitution and Elections, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Messrs. King and Ellis (With Amendment):

S. 193. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, relating to the mode of amending the Constitution; to repeal and supersede Article XVIII and Amendment No. 24 of said Constitution and all other conflicting provisions thereof.

The above Bill was read a second time at length as required by the Constitution.

Mr. King, Chairman of the Standing Committee on Constitution and Elections, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. King and Ellis:

S. 183. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, to be numbered Article XI thereof, relating to public officers; to supersede the following provisions of the Constitution of Alabama of 1901, as amended: Sections 60, 96, 104(24), 130, 279, 280 and 281 and Amendments No. 2, 4, 26A, 28, 43, 44, 46, 47, 48, 50, 62, 64, 85, 88, 92, 103, 127, 134, 135, 136, 137, 138, 139, 185, 196, 215, 229, 231, 246, 241, 249, 265, 290, 297, 306, 321 and 326; and to repeal all conflicting provisions of said constitution and amendments thereto.

The above Bill was read a second time at length as required by the Constitution.

By Mr. King:

S. 184. To propose and provide for the submission of an amendment to the Constitution of Alabama relating to representation, the procedure for legislative reapportionment and congressional redistricting; repealing and superseding Sections 50, 197, 198, 199, 200, 201, 202 and 203 of the Constitution of Alabama of 1901, as amended, and all other conflicting provisions thereof.

The above Bill was read a second time at length as required by the Constitution.

By Messrs. King and Ellis:

S. 185. To propose and provide for the submission of a constitutional amendment reaffirming the preamble to the Constitution of Alabama and to revise Article I thereof, which Article asserts the Declaration of Rights; and for the repeal of Article I of the Constitution of Alabama of 1901, as amended.

The above Bill was read a second time at length as required by the Constitution.

By Messrs. King and Ellis:

S. 186. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, relating to suffrage and elections; repealing and superseding Article VIII of the Constitution of Alabama of 1901 including Sections 177 through 196 inclusive, as amended, and Amendments No. 10, 14, 41, 49, 90, 96, 109, 207, 223, 285, and 322 and all other conflicting provisions of said constitution.

The above Bill was read a second time at length as required by the Constitution.

By Messrs. King and Ellis:

S. 187. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, relating to impeachments; to repeal and supersede Article VII and all other conflicting provisions of said constitution, as amended.

The above Bill was read a second time at length as required by the Constitution.

Mr. Bank, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Bank (With Substitute):

S. 85. A bill to promote the public health of the State of Alabama by safeguarding the financial integrity of health care institutions against malpractice claims; to authorize the establishment, maintenance, administration and operation of any trust established by hospitals or health care units, licensed as such by the State of Alabama, as grantors and as beneficiaries, for the purpose of insuring against general public liability claims based upon acts or omissions of such hospitals or health care units, including without limitation, claims based upon malpractice; to

amend Section 12 of Act No. 407, Acts of Alabama, 1971 Regular Session (Section 12, Title 28A, Alabama Code of 1940, as amended), and particularly Section 12 thereof so as to exempt such insurance trust operations from all of the provisions of that title and of the Alabama Insurance Code; to limit the obligations and liabilities of any hospital or health care unit participating in such a trust to the obligation to pay the contributions required of it by any trust agreement to which it is a party; and to provide that this act shall apply to and shall confer all rights, privileges, exemptions and immunities upon any trust established for the purposes contemplated by this act, and the grantors, members, beneficiaries, participants and trustees thereof, whether such trust was established before or after the effective date of this act.

Mr. Bank, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. McDonald (A):

S. 172. Relating to public health; restricting smoking in certain places and areas and prescribing penalties for violation of this act.

By Mr. Gilmore:

S. 214. To amend Section 269 of Title 46, Code of Alabama 1940, as amended, so as to provide for the issuing of limited certificates of qualification to practice medicine without examination to physicians enrolled in approved residency training programs.

Mr. Mitchell, Chairman of the Standing Committee on Insurance, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Mitchell:

S. 266. To allow the Commissioner of Insurance to place an insurance company under an order of supervision after a hearing thereon by appropriate order; setting forth certain prohibited acts while under supervision without prior approval.

By Messrs. Mitchell and McMillan:

S. 264. To prescribe, authorize and regulate investments of life, disability, and burial insurance companies.

Mr. Noonan, Chairman of the Standing Committee on Seaports and Inland Waterways, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Noonan:

S. 298. To further amend Section 1 of Act No. 217, S. 23 of the 1967 First Special Session (Acts 1967, Vol. I, p. 259), as amended, which act relates to competitive bidding and the expenditure of public funds, so as to

include the Alabama state docks department in the provisions of the act which excludes them from the requirement of competitive bids where the amount is less than \$2,000.00.

By Mr. Noonan:

S. 299. To amend Sections 1, 2, 3, 4, and 5 of Act No. 2432, Regular Session 1971 (Acts 1971, p. 3890) providing for the creation, incorporation, and operation of the Marine Environmental Sciences Consortium by designating it as a state agency and providing for a Board of Directors with full power and authority for its management; and to grant to state educational institutions and state, county, and municipal agencies authority to make contributions for its support.

Mr. Noonan, Chairman of the Standing Committee on Seaports and Inland Waterways, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Noonan (With Amendment):

S. 300. To amend Sections 8, 10, 14, 18, 19, 20, 21, 22, and 24 of Act No. 576, Acts of Alabama, 1959 Regular Session, as amended, pertaining to the registration and operation of vessels on the waters of this State.

Mr. Littleton, Acting Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Owen:

S. 4. To validate the incorporation of public corporations attempted to be organized pursuant to Act No. 29, H. 44 of the 1970 Special Session (Acts 1970, Vol. III, p. 2630), where such attempts at incorporation fail because of procedural irregularity.

By Mr. Vacca:

S. 7. To provide that only certain standing committees of the House and Senate shall meet during the interim periods when the legislature is not in session to consider prefiled legislation and important problems facing the state; to provide for the compensation of the members of said committees while attending meetings.

By Mr. Fine:

S. 11. To provide for an automatic pay increase to state, county, and municipal employees who pass the certified professional secretary examination.

By Mr. Vacca:

S. 15. Prohibiting any state agency from using the barter or similar system for acquiring goods or services; providing that each state agency must record each sales transaction and each purchase transaction; providing that each state agency return to the appropriate fund in the state treasury all revenues generated by sales transactions; and prescribing penalties for violations of the provisions of this act.

By Mr. Owen:

S. 16. Requiring certain owners of citizen band radios to display the bill of sale for such radio in their automobile or other motor vehicle in which said radio is located and provides for penalties for the violation of the provisions of this act.

By Mr. Teague:

S. 220. To require that any appointment, made by the governor and subject to senate confirmation, be accepted or rejected by the senate within a certain time and that the governor must submit any new appointment within a prescribed time; to provide further for the consequence when action by the governor or senate is not timely.

### RESOLUTIONS

Mr. McMillan offered the following Senate Joint Resolution, to-wit:

S. J. R. 17. CONDEMNING THE U.S.S.R. FOR ITS REFUSAL TO ADHERE TO THE TERMS OF THE 1973 UNITED NATIONS DECLARATION OF HUMAN RIGHTS AND THE 1975 CONFERENCE ON EUROPEAN SECURITY AND COOPERATION.

WHEREAS, The United Nations Declaration of Human Rights was signed by the U.S.S.R., which declaration guaranteed to all people the right of free emigration; and

WHEREAS, The Conference on European Security and Cooperation known as the Helsinki Accords called for the free exchange of information between nations and the reunification of families; and

WHEREAS, The U.S.S.R. refuses to abide by the terms of both the Declaration and the Accords in that the U.S.S.R. among other things refuses to permit free emigration and refuses to recognize the rights of its citizens to leave the country permanently; now, therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we condemn the U.S.S.R. for its refusal to abide by the terms of the United Nations Declaration of Human Rights (1973) and the Conference on European Security and Cooperation (1975).

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to the President of the United States, the Secretary of State of the United States, the Secretary of the Central Committee of the Communist Party of the U.S.S.R., and the U.S.S.R. Ambassador to the United States.

On motion of Mr. McMillan, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. McMillan, Pearson, Bank and Fine offered the following Senate Joint Resolution, to-wit:

S. J. R. 18. MOURNING THE DEATH OF WILMER S. POYNOR, JR.

WHEREAS, The City of Birmingham and the State of Alabama have suffered a great loss in the death of Wilmer S. Poynor, Jr.; and

WHEREAS, Mr. Poynor, a Chartered Life Underwriter for New York Life Insurance Company for 42 years, was one of the outstanding insurance executives in Alabama; and

WHEREAS, He was the founder of Mountain Brook Crest Estate, one of the largest real estate developments in the 1950's; among his many civic and philanthropic responsibilities were membership in the Shades Valley Rotary Club, the vestry of St. Mary's Episcopal Church, the service as General Campaign Chairman of United Way's successful, \$2,490,675 fund drive for the year 1964, service as Director of YMCA; and

WHEREAS, Mr. Poynor, as a student, was a member of Sigma Alpha Epsilon Fraternity, Omicron Delta Kappa and Blue Key, and in his years of maturity developed an understanding of human nature and desire to serve his fellow man that won for him the respect and love of all those with whom he came in contact; now, therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That we do deeply mourn the death of Wilmer S. Poynor, Jr., and extend our warmest sympathy to his family.

BE IT FURTHER RESOLVED That we give thanks for the life of service of this great man; his memory will ever be an inspiration.

BE IT FURTHER RESOLVED That copies of this resolution be sent to his widow and to his sons, Wilmer S. Poynor, III, Dr. John Worrell Poynor, and Frank Bouchelle Poynor, all of Birmingham.

On motion of Mr. McMillan, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Bank, Shelby, Gilmore, Peden and Powell offered the following Senate Joint Resolution, to-wit:

**S. J. R. 19. COMMENDING JOE SEWELL ON BEING ELECTED TO THE BASEBALL HALL OF FAME.**

WHEREAS, Joe Sewell of Tuscaloosa was recently elected to Baseball's Hall of Fame at Cooperstown; and

WHEREAS, Joe Sewell is affectionately known as "No Strike Joe" for being struck out the fewest times of any player in major league history with at least 7,000 trips to the plate—114; and for being struck out only four times in 1925 and in 1929; and

WHEREAS, Joe Sewell in his 14 years as a player batted .312 and drove in 1,051 runs; and

WHEREAS, Joe Sewell was previously inducted in the Alabama Sports Hall of Fame; and

WHEREAS, Joe Sewell coached the University of Alabama's baseball team from 1964 to 1968; and

WHEREAS, Joe Sewell played on the great Yankee baseball teams with Babe Ruth and Lou Gehrig, and had no small hand in their success; and

WHEREAS, Joe Sewell while 78 years old is still full of life and the competitive fires still burn in his keen eyes; and

WHEREAS, being elected to Baseball's Hall of Fame is the ultimate honor for a baseball player; and

WHEREAS, there is no man more deserving of this honor than Joe Sewell; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body extends its hearty congratulations to Joe Sewell upon his election to the Baseball Hall of Fame.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Joe Sewell.

On motion of Mr. Bank, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. McDonald (A) offered the following Senate Joint Resolution, to-wit:

S. J. R. 20. JOINING THE ALABAMA DEMOCRATIC CONGRESSIONAL DELEGATION IN RECOMMENDING AND URGING THE APPOINTMENT OF MR. CHARLES R. MITCHELL TO FILL THE VACANCY CURRENTLY EXISTING ON THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY.

WHEREAS, Unlike Mississippi, Tennessee, Kentucky and other states in the TVA service area, Alabama has never had representation on the TVA Board of Directors, although the Tennessee Valley Authority Act specifically embraces Alabama as the home of the agency; and

WHEREAS, Mr. Charles R. Mitchell, who is now serving as Executive Secretary to Senator James Allen, and has so served in this capacity since 1969, serving previously to that time for thirteen years in the office of Senator Lister Hill, co-author with Senator George Norris of Nebraska of the bill which created the Tennessee Valley Authority; and

WHEREAS, Mr. Mitchell has a thorough understanding of the mission of TVA in serving the people of the Tennessee Valley and its mandate to advance the economic development of the region, having been intimately involved in all legislation which was required to enable TVA to meet its responsibilities, and possessing a detailed working knowledge of legislation and programs concerning water resource development, especially TVA's activities in the fields of energy, water transportation, flood control, fertilizer, and conservation; and

WHEREAS, Mr. Mitchell's identification with TVA is life-long having been reared on a TVA reservation and having received his earliest schooling in a TVA school and remaining a legal resident of Muscle Shoals where TVA has its genesis; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we strongly feel that representation of Alabama on the TVA Board of Directors is long overdue, and do join with the Alabama Democratic Congressional delegation in recommending and urging the appointment of Mr. Charles R. Mitchell to fill the vacancy now existing on the Board of Directors of The Tennessee Valley Authority.



BE IT FURTHER RESOLVED, That copies of this resolution be sent to the President of The United States and to each member of the Alabama Democratic Congressional delegation.

Which was read and referred to the Standing Committee on Rules.

### MOTION IN WRITING

Mr. Little offered the following Motion in Writing, to-wit:

### MOTION TO AMEND THE RULES

Pursuant to the Notice in Writing previously given, I move that Rule 20 of the Rules of the Senate be amended to read as follows:

Rule 20. The Committee on Rules may at any time report a special rule that debate on a pending measure shall cease at a certain hour and a vote be taken on the measure. In addition thereto a petition signed by six or more senators to the effect that debate on a pending measure shall cease at a certain hour and a vote be taken on the measure filed with the Secretary while the Senate is in session, shall have the same effect as a report of the committee on Rules regarding debate. The consideration of such special rule shall not exceed thirty minutes, when a vote shall be taken thereon; and if three-fifths of the members elected shall vote to limit debate, then said rule shall have been adopted by the Senate.

Which was read and referred to the Standing Committee on Rules.

### RESOLUTIONS

Messrs. Fine and Jones offered the following Senate Joint Resolution, to-wit:

#### S. J. R. 21. WISHING KAREN LEWIS A HAPPY BIRTHDAY.

WHEREAS, Mrs. Karen Lewis, one of the Lieutenant Governor's most invaluable and attractive secretaries, is observing her birthday today, February 3; and

WHEREAS, In return for her continuing excellent service and friendship, Karen deserves the very best wishes by all members of the Legislature on this special occasion; now, therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we wish for Karen a very happy birthday, and wish her many more years of health and happiness.

On motion of Mr. Fine, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. McDonald (A), Peden, McDonald (S), Noonan, St. John, Roberts, McMillan, King, Little, Baker, Vacca, Mitchell and Perloff offered the following Senate Joint Resolution, to-wit:

S. J. R. 22. JOINING THE ALABAMA DEMOCRATIC CONGRESSIONAL DELEGATION IN RECOMMENDING AND URGING THE APPOINTMENT OF MR. CHARLES R. MITCHELL TO FILL THE VACANCY CURRENTLY EXISTING ON THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY.

WHEREAS, Unlike Mississippi, Tennessee, Kentucky and other states in the TVA service area, Alabama has never had representation on the TVA Board of Directors, although the Tennessee Valley Authority Act specifically embraces Alabama as the home of the agency; and

WHEREAS, Mr. Charles R. Mitchell, who is now serving as Executive Secretary to Senator James Allen, and has so served in this capacity since 1969, serving previously to that time for thirteen years in the office of Senator Lister Hill, co-author with Senator George Norris of Nebraska of the bill which created the Tennessee Valley Authority; and

WHEREAS, Mr. Mitchell has a thorough understanding of the mission of TVA in serving the people of the Tennessee Valley and its mandate to advance the economic development of the region, having been intimately involved in all legislation which was required to enable TVA to meet its responsibilities, and possessing a detailed working knowledge of legislation and programs concerning water resource development, especially TVA's activities in the fields of energy, water transportation, flood control, fertilizer, and conservation; and

WHEREAS, Mr. Mitchell's identification with TVA is life-long having been reared on a TVA reservation and having received his earliest schooling in a TVA school and remaining a legal resident of Muscle Shoals where TVA has its genesis; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we strongly feel that representation of Alabama on the TVA Board of Directors is long overdue, and do join with the Alabama Democratic Congressional delegation in recommending and urging the appointment of Mr. Charles R. Mitchell to fill the vacancy now existing on the Board of Directors of The Tennessee Valley Authority.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the President of The United States and to each member of the Alabama Democratic Congressional delegation.

On motion of Mr. McDonald (A), the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Edwards, Fine, Peden and King offered the following Senate Joint Resolution, to-wit:

**S. J. R. 23. COMMENDING CLETE QUICK FOR HIS OUTSTANDING CONTRIBUTIONS TO THE NORTH ALABAMA LEGISLATIVE COUNCIL.**

WHEREAS, the keen insight and creative perception of Clete Quick made the North Alabama Legislative Council a reality in 1974; and

WHEREAS, the purpose of that Council was to enable the citizens to work more closely with their legislators and to express their feelings on matters of concern to North Alabama; and

WHEREAS, Mr. Quick spent countless hours, travelled over 10,000 miles and spent personal funds in developing, organizing and raising funds for the Council; and

WHEREAS, this fine Alabamian, who was born and raised in North Alabama, over a period of many years has spent great energies for the expansion and betterment of this region and all of its citizens; and

WHEREAS, Mr. Quick has been an influential leader in the civic and social life of his community; and

WHEREAS, Mr. Quick has contributed generously of his time, talents and means to the Tourism Bureau and Heart Association of Decatur and served as past president of the Alabama Mountain Lakes Association and currently is a member of the Board of Directors of the Decatur Chamber of Commerce; and

WHEREAS, the business acumen of Mr. Quick, owner and operator of radio station WMSL, has earned him the respect and admiration of all who know him; and

WHEREAS, because of the many talents, vision, dedicated energies and leadership of Mr. Clete Quick, the North Alabama Legislative Council united legislators and citizens alike in effecting meaningful legislation and programs of concern for the people of North Alabama; and

WHEREAS, the legislators constituting the North Alabama Legislative Council wish to express their sincere respect for and admiration of Mr. Clete Quick; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do heartily commend Mr. Clete Quick of Decatur, Alabama, for his tireless energies, enthusiasm and devotion to the needs of the North Alabama region, its legislators and citizens and thank him for using his perception in developing and guiding the North Alabama Legislative Council.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Clete Quick.

On motion of Mr. Edwards, the Rules were suspended and the Resolution was adopted by the Senate.

#### NOTICES IN WRITING

Mr. Littleton offered the following Notice in Writing, to-wit:

#### NOTICE IN WRITING

Notice is hereby given that on the next legislative day a motion will be made to amend Senate Rule 10 as follows:

“RULE 10. No bills other than advertised local bills or general bills with local application shall be introduced in the Senate during a regular session after the Senate adjourns on the 24th legislative day.”

Which was read and ordered spread upon the Journal.

Mr. Littleton then offered the following Notice in Writing, to-wit:

#### NOTICE IN WRITING

Notice is hereby given that on the next legislative day a motion will be made to amend Senate Rule 35 as follows:

“RULE 35. During a regular session, no bill that has originated in the Senate shall be sent to the House of Representatives for its first reading in the House after the Senate adjourns on the 26th legislative day.”

Which was read and ordered spread upon the Journal.

Mr. Littleton then offered the following Notice in Writing, to-wit:

#### NOTICE IN WRITING

Notice is hereby given that on the next legislative day a motion will be made to amend the Senate Rules by deleting Senate Rule 42 in its entirety and renumbering the remaining rules.

Which was read and ordered spread upon the Journal.

Mr. Littleton then offered the following Notice in Writing, to-wit:

#### NOTICE IN WRITING

Notice is hereby given that on the next legislative day a motion will be made to amend Senate Rule 50(2) as follows:

“50(2) Rules, which committee shall have supervision over the Revision of the Journal, Enrolled Bills, and Engrossed Bills. In addition, the Committee on Rules shall consider and report on matters required by the rules of the Senate, as follows: Motions or resolutions to set aside a regular order of business (Rule 8); motions or resolutions for a special order (Rule 13); special rules that debate on a pending measure shall cease at a certain hour and a vote be taken on the measure (Rule 20); executive nominations and appointments and executive amendments and vetoes (Rule 33); propositions to suspend, modify, or amend any rule or any part thereof (Rule 36); all resolutions that may be referred to it (Rule 55); after the 26th legislative day, to act upon bills that originate in the Senate (Rule 58); after the 28th legislative day, to act upon bills that originate in the House of Representatives (Rule 59). Also, the Committee on Rules shall render advisory opinions to any lobbyist who seeks advice about the rules relating to lobbying, and the committee shall make recommendations regarding the imposition of penalties prescribed for violations of the rules relating to lobbying (Rule 82 and Rule 84). The Committee on Rules shall consist of seven (7) members.”

Which was read and ordered spread upon the Journal.

Mr. Littleton then offered the following Notice in Writing, to-wit:

#### NOTICE IN WRITING

Notice is hereby given that on the next legislative day a motion will be made to amend Senate Rule 58 as follows:

“RULE 58. After the Senate adjourns following the 26th legislative day, no standing committee of the Senate, other than the Committee on Rules, shall act upon any bill that originated in the Senate.”

Which was read and ordered spread upon the Journal.

Mr. Littleton then offered the following Notice in Writing, to-wit:

## NOTICE IN WRITING

Notice is hereby given that on the next legislative day a motion will be made to amend Senate Rule 59 as follows:

“RULE 59. After the Senate adjourns after the end of the 28th legislative day, no standing committee of the Senate, other than the Committee on Rules, shall act upon any bill that originated in the House of Representatives.”

Which was read and ordered spread upon the Journal.

Mr. Littleton then offered the following Notice in Writing, to-wit:

## NOTICE IN WRITING

Notice is hereby given that on the next legislative day a resolution will be introduced to amend Joint Rule 3 as follows:

“3. No local or special bill shall be introduced into either house unless the member who introduces it discloses at the time the fact that the notice required by the Constitution and laws has been given, and submits an exact copy of notice and proof thereof with the bill.”

Which was read and ordered spread upon the Journal.

## RESOLUTIONS

Mr. Owen, as Co-Chairman of the Sunset Review Committee, offered the following Senate Joint Resolutions in accordance with the provisions of Act No. 512, 1976 Regular Session, and said Resolutions were ordered to be held on the Secretary's desk, to-wit:

By Mr. Owen:

**S. J. R. 24. PROVIDING FOR THE CONTINUED EXISTENCE OF THE LEGISLATIVE REFERENCE SERVICE.**

WHEREAS, pursuant to the “Alabama Sunset Law of 1976,” Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Legislative Reference Service; and

WHEREAS, following a review and evaluation relative to the continued existence of the Legislative Reference Service, the committee voted on October 12, 1976 to recommend the continued existence of the Legislative Reference Service; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That the Legislative Reference Service, pursuant to the terms of the “Alabama Sunset Law of 1976,” Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

**S. J. R. 25. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA LAW INSTITUTE.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Law Institute; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama Law Institute, the committee voted on October 12, 1976 to recommend the continued existence of the Alabama Law Institute; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Law Institute, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 26. PROVIDING FOR THE CONTINUED EXISTENCE OF THE LEGISLATIVE FISCAL OFFICE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Legislative Fiscal Office; and

WHEREAS, following a review and evaluation relative to the continued existence of the Legislative Fiscal Office, the committee voted on October 12, 1976 to recommend the continued existence of the Legislative Fiscal Office; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislative Fiscal Office, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 27. PROVIDING FOR THE CONTINUED EXISTENCE OF THE REVENUE DEPARTMENT.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Revenue Department; and

WHEREAS, following a review and evaluation relative to the continued existence of the Revenue Department, the committee voted on October 12, 1976 to recommend the continued existence of the Revenue Department; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Revenue Department, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

**S. J. R. 28. PROVIDING FOR THE CONTINUED EXISTENCE OF THE LEGISLATIVE COUNCIL.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Legislative Council; and

WHEREAS, following a review and evaluation relative to the continued existence of the Legislative Council, the committee voted on October 12, 1976 to recommend the continued existence of the Legislative Council; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That the Legislative Council, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

**S. J. R. 29. PROVIDING FOR THE CONTINUED EXISTENCE OF THE CODE REVISION COMMISSION.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Code Revision Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Code Revision Commission, the committee voted on October 12, 1976 to recommend the continued existence of the Code Revision Commission; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That the Code Revision Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

**S. J. R. 30. PROVIDING FOR THE CONTINUED EXISTENCE OF THE EXAMINERS OF PUBLIC ACCOUNTS.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Examiners of Public Accounts; and

WHEREAS, following a review and evaluation relative to the continued existence of the Examiners of Public Accounts, the committee voted on October 12, 1976 to recommend the continued existence of the Examiners of Public Accounts; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Examiners of Public Accounts, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 31. PROVIDING FOR THE CONTINUED EXISTENCE OF THE RETIREMENT SYSTEMS.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Retirement Systems; and

WHEREAS, following a review and evaluation relative to the continued existence of the Retirement Systems, the committee voted on October 12, 1976 to recommend the continued existence of the Retirement Systems; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Retirement Systems, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 32. PROVIDING FOR THE TERMINATION OF THE BICENTENNIAL COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Bicentennial Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Bicentennial Commission, the committee voted on October 12, 1976 to recommend termination of the Bicentennial Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Bicentennial Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

By Mr. Owen:

S. J. R. 33. PROVIDING FOR THE CONTINUED EXISTENCE OF THE EDUCATION STUDY COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Education Study Commission; and



WHEREAS, following a review and evaluation relative to the continued existence of the Education Study Commission, the committee voted on October 12, 1976 to recommend the continued existence of the Education Study Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Education Study Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 34. PROVIDING FOR THE CONTINUED EXISTENCE OF THE SOCIAL SECURITY BOARD.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Social Security Board; and

WHEREAS, following a review and evaluation relative to the continued existence of the Social Security Board, the committee voted on October 12, 1976 to recommend the continued existence of the Social Security Board; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Social Security Board, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 35. PROVIDING FOR THE CONTINUED EXISTENCE OF THE JACKSONVILLE STATE UNIVERSITY.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Jacksonville State University; and

WHEREAS, following a review and evaluation relative to the continued existence of the Jacksonville State University, the committee voted on October 12, 1976 to recommend the continued existence of the Jacksonville State University; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Jacksonville State University, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 36. PROVIDING FOR THE CONTINUED EXISTENCE OF THE DEPARTMENT OF INDUSTRIAL RELATIONS.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public

and all interested parties relating to the continued existence of the Department of Industrial Relations; and

WHEREAS, following a review and evaluation relative to the continued existence of the Department of Industrial Relations, the committee voted to recommend the continued existence of the Department of Industrial Relations; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Department of Industrial Relations, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 37. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ADVISORY COUNCIL.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Advisory Council; and

WHEREAS, following a review and evaluation relative to the continued existence of the Advisory Council, the committee voted on October 19, 1976, to recommend the continued existence of the Advisory Council; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Advisory Council, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 38. PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE PERSONNEL BOARD.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the State Personnel Board; and

WHEREAS, following a review and evaluation relative to the continued existence of the State Personnel Board, the committee voted on October 19, 1976, to recommend the continued existence of the State Personnel Board; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the State Personnel Board, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 39. PROVIDING FOR THE CONTINUED EXISTENCE OF THE DEPARTMENT OF LABOR.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Department of Labor; and

WHEREAS, following a review and evaluation relative to the continued existence of the Department of Labor, the committee voted to recommend the continued existence of the Department of Labor; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Department of Labor, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 40. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA SECURITIES COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Securities Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama Securities Commission, the committee voted on October 19, 1976, to recommend the continued existence of the Alabama Securities Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Securities Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 41. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA COUNCIL ON THE ARTS & HUMANITIES.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Council on the Arts & Humanities; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama Council on the Arts & Humanities, the committee voted on October 19, 1976, to recommend the continued existence of the Alabama Council on the Arts & Humanities; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Council on the Arts & Humanities, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

**S. J. R. 42. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ATHENS STATE COLLEGE.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Athens State College; and

WHEREAS, following a review and evaluation relative to the continued existence of the Athens State College, the committee voted on October 19, 1976, to recommend the continued existence of the Athens State College; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That the Athens State College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

**S. J. R. 43. PROVIDING FOR THE TERMINATION OF THE STATE BOARD OF AUCTIONEERS.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the State Board of Auctioneers; and

WHEREAS, following a review and evaluation relative to the continued existence of the State Board of Auctioneers, the committee voted to recommend termination of the State Board of Auctioneers; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That the State Board of Auctioneers, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

By Mr. Owen:

**S. J. R. 44. PROVIDING FOR THE CONTINUED EXISTENCE OF THE GEOLOGICAL SURVEY OF ALABAMA.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Geological Survey of Alabama; and

WHEREAS, following a review and evaluation relative to the continued existence of the Geological Survey of Alabama, the committee voted on October 19, 1976, to recommend the continued existence of the Geological Survey of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Geological Survey of Alabama, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 45. PROVIDING FOR THE CONTINUED EXISTENCE OF THE OFFICE OF THE COORDINATOR OF HIGHWAY & TRAFFIC SAFETY.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Office of the Coordinator of Highway & Traffic Safety; and

WHEREAS, following a review and evaluation relative to the continued existence of the Office of the Coordinator of Highway & Traffic Safety, the committee voted to recommend the continued existence of the Office of the Coordinator of Highway & Traffic Safety; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Office of the Coordinator of Highway & Traffic Safety, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 46. PROVIDING FOR THE CONTINUED EXISTENCE OF THE LIVINGSTON STATE UNIVERSITY.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Livingston State University; and

WHEREAS, following a review and evaluation relative to the continued existence of the Livingston State University, the committee voted on October 19, 1976, to recommend the continued existence of the Livingston State University; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Livingston State University, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 47. PROVIDING FOR THE CONTINUED EXISTENCE OF THE LYMAN WARD MILITARY ACADEMY.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Lyman Ward Military Academy; and

WHEREAS, following a review and evaluation relative to the continued existence of the Lyman Ward Military Academy, the committee voted on October 19, 1976, to recommend the continued existence of the Lyman Ward Military Academy; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Lyman Ward Military Academy, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 48. PROVIDING FOR THE CONTINUED EXISTENCE OF THE MARION INSTITUTE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Marion Institute; and

WHEREAS, following a review and evaluation relative to the continued existence of the Marion Institute, the committee voted on October 19, 1976, to recommend the continued existence of the Marion Institute; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Marion Institute, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 49. PROVIDING FOR THE CONTINUED EXISTENCE OF THE MOTION PICTURE AND TELEVISION ADVISORY COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Motion Picture and Television Advisory Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Motion Picture and Television Advisory Commission, the committee voted on October 19, 1976, to recommend the continued existence of the Motion Picture and Television Advisory Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Motion Picture and Television Advisory Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 50. PROVIDING FOR THE CONTINUED EXISTENCE OF THE SOUTHERN INTERSTATE NUCLEAR BOARD.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Southern Interstate Nuclear Board; and

WHEREAS, following a review and evaluation relative to the continued existence of the Southern Interstate Nuclear Board, the committee voted on October 19, 1976, to recommend the continued existence of the Southern Interstate Nuclear Board; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Southern Interstate Nuclear Board, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 51. PROVIDING FOR THE CONTINUED EXISTENCE OF THE TANNEHILL FURNACE & FOUNDRY COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Tannehill Furnace & Foundry Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Tannehill Furnace & Foundry Commission, the committee voted on October 19, 1976, to recommend the continued existence of the Tannehill Furnace & Foundry Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Tannehill Furnace & Foundry Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 52. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA COMMISSION ON HIGHER EDUCATION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Commission on Higher Education; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama Commission on Higher Education, the committee voted to recommend the continued existence of the Alabama Commission on Higher Education; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Commission on Higher Education, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

**S. J. R. 53. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA POST SECONDARY 1202 COMMISSION.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Post Secondary 1202 Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama Post Secondary 1202 Commission, the committee voted to recommend the continued existence of the Alabama Post Secondary 1202 Commission; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That the Alabama Post Secondary 1202 Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

**S. J. R. 54. PROVIDING FOR THE CONTINUED EXISTENCE OF THE SYLACAUGA NURSES TRAINING SCHOOL.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Sylacauga Nurses Training School; and

WHEREAS, following a review and evaluation relative to the continued existence of the Sylacauga Nurses Training School, the committee voted to recommend the continued existence of the Sylacauga Nurses Training School; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That the Sylacauga Nurses Training School, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

**S. J. R. 55. PROVIDING FOR THE CONTINUED EXISTENCE OF TROY STATE UNIVERSITY.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of Troy State University; and

WHEREAS, following a review and evaluation relative to the continued existence of Troy State University, the committee voted to recommend the continued existence of Troy State University; now therefore,



BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Troy State University, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 56. PROVIDING FOR THE CONTINUED EXISTENCE OF THE UNIVERSITY OF MONTEVALLO.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the University of Montevallo; and

WHEREAS, following a review and evaluation relative to the continued existence of the University of Montevallo, the committee voted to recommend the continued existence of the University of Montevallo; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the University of Montevallo, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 57. PROVIDING FOR THE CONTINUED EXISTENCE OF THE SPORTS HALL OF FAME BOARD.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Sports Hall of Fame Board; and

WHEREAS, following a review and evaluation relative to the continued existence of the Sports Hall of Fame Board, the committee voted to recommend the continued existence of the Sports Hall of Fame Board; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Sports Hall of Fame Board, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 58. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BIRMINGHAM FESTIVAL OF ARTS.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Birmingham Festival of Arts; and

WHEREAS, following a review and evaluation relative to the continued existence of the Birmingham Festival of Arts, the committee voted to recommend the continued existence of the Birmingham Festival of Arts; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Birmingham Festival of Arts, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 59. PROVIDING FOR THE CONTINUED EXISTENCE OF THE UNIVERSITY OF ALABAMA SYSTEM.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the University of Alabama System; and

WHEREAS, following a review and evaluation relative to the continued existence of the University of Alabama System, the committee voted to recommend the continued existence of the University of Alabama System; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the University of Alabama System, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 60. PROVIDING FOR THE CONTINUED EXISTENCE OF THE AUBURN UNIVERSITY SYSTEM.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Auburn University System; and

WHEREAS, following a review and evaluation relative to the continued existence of the Auburn University System, the committee voted to recommend the continued existence of the Auburn University System; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Auburn University System, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 61. PROVIDING FOR THE CONTINUED EXISTENCE OF THE GORGAS MEMORIAL (UNIVERSITY OF ALABAMA).

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered

upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Gorgas Memorial (University of Alabama); and

WHEREAS, following a review and evaluation relative to the continued existence of the Gorgas Memorial (University of Alabama), the committee voted to recommend the continued existence of the Gorgas Memorial (University of Alabama); now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Gorgas Memorial (University of Alabama), pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 62. PROVIDING FOR THE CONTINUED EXISTENCE OF THE U.S.S. BATTLESHIP COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the U.S.S. Battleship Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the U.S.S. Battleship Commission, the committee voted to recommend the continued existence of the U.S.S. Battleship Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the U.S.S. Battleship Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 63. PROVIDING FOR THE CONTINUED EXISTENCE OF THE TUSKEGEE INSTITUTE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Tuskegee Institute; and

WHEREAS, following a review and evaluation relative to the continued existence of the Tuskegee Institute, the committee voted to recommend the continued existence of the Tuskegee Institute; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Tuskegee Institute, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 64. PROVIDING FOR THE CONTINUED EXISTENCE TO THE STATE FAIR AUTHORITY.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the State Fair Authority; and

WHEREAS, following a review and evaluation relative to the continued existence of the State Fair Authority, the committee voted to recommend the continued existence of the State Fair Authority; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the State Fair Authority, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 65. PROVIDING FOR THE CONTINUED EXISTENCE OF THE MONTGOMERY INSTITUTE FOR NEUROLOGICAL DEVELOPMENT.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Montgomery Institute for Neurological Development; and

WHEREAS, following a review and evaluation relative to the continued existence of the Montgomery Institute for Neurological Development, the committee voted to recommend the continued existence of the Montgomery Institute for Neurological Development; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Montgomery Institute for Neurological Development, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 66. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA OCCUPATIONAL INFORMATION SYSTEM.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Occupational Information System; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama Occupational Information System, the committee voted to recommend the continued existence of the Alabama Occupational Information System; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama

Occupational Information System, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

**S. J. R. 67. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA HIGH SCHOOL OF FINE ARTS.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama High School of Fine Arts; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama High School of Fine Arts, the committee voted to recommend the continued existence of the Alabama High School of Fine Arts; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That the Alabama High School of Fine Arts, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

**S. J. R. 68. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BOARD OF APPEALS.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Board of Appeals; and

WHEREAS, following a review and evaluation relative to the continued existence of the Board of Appeals, the committee voted to recommend the continued existence of the Board of Appeals; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That the Board of Appeals, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

**S. J. R. 69. PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE MANPOWER PLANNING.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the State Manpower Planning; and

WHEREAS, following a review and evaluation relative to the continued existence of the State Manpower Planning, the committee voted to recommend the continued existence of the State Manpower Planning; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the State Manpower Planning, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 70. PROVIDING FOR THE CONTINUED EXISTENCE OF THE LIQUEFIED PETROLEUM GAS BOARD.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Liquefied Petroleum Gas Board; and

WHEREAS, following a review and evaluation relative to the continued existence of the Liquefied Petroleum Gas Board, the committee voted to recommend the continued existence of the Liquefied Petroleum Gas Board; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Liquefied Petroleum Gas Board, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 71. PROVIDING FOR THE TERMINATION OF THE JUVENILE CORRECTIONAL STUDY COMMITTEE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Juvenile Correctional Study Committee; and

WHEREAS, following a review and evaluation relative to the continued existence of the Juvenile Correctional Study Committee, the committee voted to recommend termination of the Juvenile Correctional Study Committee; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Juvenile Correctional Study Committee, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

By Mr. Owen:

S. J. R. 72. PROVIDING FOR THE TERMINATION OF THE DEPARTMENT AND BOARD OF YOUTH SERVICES.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Department and Board of Youth Services; and

WHEREAS, following a review and evaluation relative to the continued existence of the Department and Board of Youth Services, the committee voted to recommend termination of the Department and Board of Youth Services; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Department and Board of Youth Services, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

By Mr. Owen:

S. J. R. 73. PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE FINANCE DEPARTMENT.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the State Finance Department; and

WHEREAS, following a review and evaluation relative to the continued existence of the State Finance Department, the committee voted to recommend the continued existence of the State Finance Department; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the State Finance Department, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 74. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA BUILDING CORPORATION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Building Corporation; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama Building Corporation, the committee voted to recommend the continued existence of the Alabama Building Corporation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Building Corporation, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 75. PROVIDING FOR THE CONTINUED EXISTENCE OF THE CORPORATION FOR THE BORROWING FOR SCHOOLS.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered

upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Corporation for the Borrowing for Schools; and

WHEREAS, following a review and evaluation relative to the continued existence of the Corporation for the Borrowing for Schools, the committee voted to recommend the continued existence of the Corporation for the Borrowing for Schools; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Corporation for the Borrowing for Schools, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 76. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA STATE HOSPITALS AND PARTLOW STATE SCHOOL BOND COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama State Hospitals and Partlow State School Bond Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama State Hospitals and Partlow State School Bond Commission, the committee voted to recommend the continued existence of the Alabama State Hospitals and Partlow State School Bond Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama State Hospitals and Partlow State School Bond Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 77. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA EDUCATION AUTHORITY.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Education Authority; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama Education Authority, the committee voted to recommend the continued existence of the Alabama Education Authority; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Education Authority, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.



By Mr. Owen:

**S. J. R. 78. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA AGRICULTURAL CENTER CORPORATION.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Agricultural Center Corporation; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama Agricultural Center Corporation, the committee voted to recommend the continued existence of the Alabama Agricultural Center Corporation; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That the Alabama Agricultural Center Corporation, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

**S. J. R. 79. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA BUILDING FINANCE AUTHORITY.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Building Finance Authority; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama Building Finance Authority, the committee voted to recommend the continued existence of the Alabama Building Finance Authority; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That the Alabama Building Finance Authority, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

**S. J. R. 80. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA PUBLIC SCHOOL AND COLLEGE AUTHORITY.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Public School and College Authority; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama Public School and College Authority, the committee voted to recommend the continued existence of the Alabama Public School and College Authority; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Public School and College Authority, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 81. PROVIDING FOR THE CONTINUED EXISTENCE OF THE OFFICE OF SPACE MANAGEMENT.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Office of Space Management; and

WHEREAS, following a review and evaluation relative to the continued existence of the Office of Space Management, the committee voted to recommend the continued existence of the Office of Space Management; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Office of Space Management, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 82. PROVIDING FOR THE TERMINATION OF THE COMMISSION TO PRESERVE THE PEACE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Commission to Preserve the Peace; and

WHEREAS, following a review and evaluation relative to the continued existence of the Commission to Preserve the Peace, the committee voted to recommend termination of the Commission to Preserve the Peace; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Commission to Preserve the Peace, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

By Mr. Owen:

S. J. R. 83. PROVIDING FOR THE TERMINATION OF THE SOVEREIGNTY COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Sovereignty Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Sovereignty Commission, the committee voted to recommend termination of the Sovereignty Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Sovereignty Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

By Mr. Owen:

S. J. R. 84. PROVIDING FOR THE CONTINUED EXISTENCE OF THE FISHING REEF SHIP COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Fishing Reef Ship Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Fishing Reef Ship Commission, the committee voted to recommend the continued existence of the Fishing Reef Ship Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Fishing Reef Ship Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 85. PROVIDING FOR THE CONTINUED EXISTENCE OF THE EMPLOYEES INSURANCE BOARD.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Employees Insurance Board; and

WHEREAS, following a review and evaluation relative to the continued existence of the Employees Insurance Board, the committee voted to recommend the continued existence of the Employees Insurance Board; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Employees Insurance Board, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 86. PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE BOARD OF EXAMINERS OF SPEECH PATHOLOGY AND AUDIOLOGY.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered

upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the State Board of Examiners of Speech Pathology and Audiology; and

WHEREAS, following a review and evaluation relative to the continued existence of the State Board of Examiners of Speech Pathology and Audiology, the committee voted to recommend the continued existence of the State Board of Examiners of Speech Pathology and Audiology; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the State Board of Examiners of Speech Pathology and Audiology, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 87. PROVIDING FOR THE CONTINUED EXISTENCE OF THE AIR POLLUTION CONTROL COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Air Pollution Control Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Air Pollution Control Commission, the committee voted to recommend the continued existence of the Air Pollution Control Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Air Pollution Control Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 88. PROVIDING FOR THE CONTINUED EXISTENCE OF THE DEPARTMENT OF AGRICULTURE AND INDUSTRIES.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Department of Agriculture and Industries; and

WHEREAS, following a review and evaluation relative to the continued existence of the Department of Agriculture and Industries, the committee voted to recommend the continued existence of the Department of Agriculture and Industries; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Department of Agriculture and Industries, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

**S. J. R. 89. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA STEER ASSOCIATION.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Steer Association; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama Steer Association, the committee voted to recommend the continued existence of the Alabama Steer Association; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That the Alabama Steer Association, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

**S. J. R. 90. PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE BOARD OF VETERINARY MEDICAL EXAMINERS.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the State Board of Veterinary Medical Examiners; and

WHEREAS, following a review and evaluation relative to the continued existence of the State Board of Veterinary Medical Examiners, the committee voted to recommend the continued existence of the State Board of Veterinary Medical Examiners; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That the State Board of Veterinary Medical Examiners, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

**S. J. R. 91. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ENTOMOLOGISTS, HORTICULTURISTS, FLORICULTURISTS, AND TREE SURGEONS.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Entomologists, Horticulturists, Floriculturists, and Tree Surgeons; and

WHEREAS, following a review and evaluation relative to the continued existence of the Entomologists, Horticulturists, Floriculturists, and Tree Surgeons, the committee voted to recommend the continued existence of the Entomologists, Horticulturists, Floriculturists, and Tree Surgeons; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Entomologists, Horticulturists, Floriculturists, and Tree Surgeons, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 92. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BOARD OF PLUMBING EXAMINERS.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Board of Plumbing Examiners; and

WHEREAS, following a review and evaluation relative to the continued existence of the Board of Plumbing Examiners, the committee voted to recommend the continued existence of the Board of Plumbing Examiners; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Board of Plumbing Examiners, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 93. PROVIDING FOR THE CONTINUED EXISTENCE OF THE OFFICE OF PROSECUTION SERVICES.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Office of Prosecution Services; and

WHEREAS, following a review and evaluation relative to the continued existence of the Office of Prosecution Services, the committee voted to recommend the continued existence of the Office of Prosecution Services; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Office of Prosecution Services, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 94. PROVIDING FOR THE CONTINUED EXISTENCE OF THE AGRICULTURAL CENTER BOARD.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Agricultural Center Board; and

WHEREAS, following a review and evaluation relative to the continued existence of the Agricultural Center Board, the committee voted to recommend the continued existence of the Agricultural Center Board; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Agricultural Center Board, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 95. PROVIDING FOR THE CONTINUED EXISTENCE OF THE AMERAPORT DEEP-DRAFT HARBOR AND TERMINAL COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Ameraport Deep-Draft Harbor and Terminal Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Ameraport Deep-Draft Harbor and Terminal Commission, the committee voted to recommend the continued existence of the Ameraport Deep-Draft Harbor and Terminal Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Ameraport Deep-Draft Harbor and Terminal Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 96. PROVIDING FOR THE CONTINUED EXISTENCE OF THE EDUCATIONAL TELEVISION COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Educational Television Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Educational Television Commission, the committee voted to recommend the continued existence of the Educational Television Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Educational Television Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 97. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ELK RIVER DEVELOPMENT AGENCY.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Elk River Development Agency; and

WHEREAS, following a review and evaluation relative to the continued existence of the Elk River Development Agency, the committee voted to recommend the continued existence of the Elk River Development Agency; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Elk River Development Agency, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 98. PROVIDING FOR THE TERMINATION OF THE ADVISORY COMMITTEE FOR INDIGENT MEDICAL CARE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Advisory Committee for Indigent Medical Care; and

WHEREAS, following a review and evaluation relative to the continued existence of the Advisory Committee for Indigent Medical Care, the committee voted on November 9, 1976 to recommend termination of the Advisory Committee for Indigent Medical Care; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Advisory Committee for Indigent Medical Care, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

By Mr. Owen:

S. J. R. 99. PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE COMMISSION ON PHYSICAL FITNESS.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the State Commission on Physical Fitness; and

WHEREAS, following a review and evaluation relative to the continued existence of the State Commission on Physical Fitness, the committee voted to recommend the continued existence of the State Commission on Physical Fitness; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the State Commission on Physical Fitness, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.



By Mr. Owen:

**S. J. R. 100. PROVIDING FOR THE CONTINUED EXISTENCE OF THE GOVERNOR'S COMMITTEE ON STATE REORGANIZATION.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Governor's Committee on State Reorganization; and

WHEREAS, following a review and evaluation relative to the continued existence of the Governor's Committee on State Reorganization, the committee voted to recommend the continued existence of the Governor's Committee on State Reorganization; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That the Governor's Committee on State Reorganization, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

**S. J. R. 101. PROVIDING FOR THE CONTINUED EXISTENCE OF THE TALLACOOSA HIGHLAND LAKE ASSOCIATION.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Tallacoosa Highland Lake Association; and

WHEREAS, following a review and evaluation relative to the continued existence of the Tallacoosa Highland Lake Association, the committee voted to recommend the continued existence of the Tallacoosa Highland Lake Association; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That the Tallacoosa Highland Lake Association, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

**S. J. R. 102. PROVIDING FOR THE CONTINUED EXISTENCE OF THE TENNESSEE-TOMBIGBEE WATER DEVELOPMENT AUTHORITY.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Tennessee-Tombigbee Water Development Authority; and

WHEREAS, following a review and evaluation relative to the continued existence of the Tennessee-Tombigbee Water Development

Authority, the committee voted to recommend the continued existence of the Tennessee-Tombigbee Water Development Authority; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Tennessee-Tombigbee Water Development Authority, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 103. PROVIDING FOR THE CONTINUED EXISTENCE OF THE TRI-RIVERS WATERWAY DEVELOPMENT AUTHORITY.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Tri-Rivers Waterway Development Authority; and

WHEREAS, following a review and evaluation relative to the continued existence of the Tri-Rivers Waterway Development Authority, the committee voted to recommend the continued existence of the Tri-Rivers Waterway Development Authority; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Tri-Rivers Waterway Development Authority, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 104. PROVIDING FOR THE CONTINUED EXISTENCE OF THE CHOCOLOCOCO WATERSHED ASSOCIATION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Choccolocco Watershed Association; and

WHEREAS, following a review and evaluation relative to the continued existence of the Choccolocco Watershed Association, the committee voted to recommend the continued existence of the Choccolocco Watershed Association; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Choccolocco Watershed Association, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 105. PROVIDING FOR THE CONTINUED EXISTENCE OF THE CROOKED CREEK WATERSHED.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Crooked Creek Watershed; and

WHEREAS, following a review and evaluation relative to the continued existence of the Crooked Creek Watershed, the committee voted to recommend the continued existence of the Crooked Creek Watershed; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Crooked Creek Watershed, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 106. PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE SOIL AND WATER CONSERVATION COMMITTEE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the State Soil and Water Conservation Committee; and

WHEREAS, following a review and evaluation relative to the continued existence of the State Soil and Water Conservation Committee, the committee voted to recommend the continued existence of the State Soil and Water Conservation Committee; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the State Soil and Water Conservation Committee, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 107. PROVIDING FOR THE TERMINATION OF THE TENNESSEE-MULBERRY WATERWAY COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Tennessee-Mulberry Waterway Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Tennessee-Mulberry Waterway Commission, the committee voted on November 9, 1976 to recommend termination of the Tennessee-Mulberry Waterway Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Tennessee-Mulberry Waterway Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

By Mr. Owen:

**S. J. R. 108. PROVIDING FOR THE CONTINUED EXISTENCE OF THE SPACE SCIENCE EXHIBIT COMMITTEE.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Space Science Exhibit Committee; and

WHEREAS, following a review and evaluation relative to the continued existence of the Space Science Exhibit Committee, the committee voted to recommend the continued existence of the Space Science Exhibit Committee; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That the Space Science Exhibit Committee, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

**S. J. R. 109. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BEAR CREEK DEVELOPMENT AUTHORITY.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Bear Creek Development Authority; and

WHEREAS, following a review and evaluation relative to the continued existence of the Bear Creek Development Authority, the committee voted to recommend the continued existence of the Bear Creek Development Authority; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That the Bear Creek Development Authority, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

**S. J. R. 110. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ADVISORY COUNCIL ON ALCOHOLISM & DRUG ABUSE.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Advisory Council on Alcoholism & Drug Abuse; and

WHEREAS, following a review and evaluation relative to the continued existence of the Advisory Council on Alcoholism & Drug Abuse, the committee voted to recommend the continued existence of the Advisory Council on Alcoholism & Drug Abuse; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Advisory Council on Alcoholism & Drug Abuse, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 111. PROVIDING FOR THE CONTINUED EXISTENCE OF THE CONSUMER PROTECTION AGENCY.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Consumer Protection Agency; and

WHEREAS, following a review and evaluation relative to the continued existence of the Consumer Protection Agency, the committee voted to recommend the continued existence of the Consumer Protection Agency; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Consumer Protection Agency, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 112. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA PEACE OFFICER'S ANNUITY & BENEFIT FUND.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Peace Officer's Annuity & Benefit Fund; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama Peace Officer's Annuity & Benefit Fund, the committee voted to recommend the continued existence of the Alabama Peace Officer's Annuity & Benefit Fund; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Peace Officer's Annuity & Benefit Fund, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

S. J. R. 113. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BUREAU OF PUBLICITY AND INFORMATION (DEPARTMENT AND BOARD).

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Bureau of Publicity and Information (Department and Board); and

WHEREAS, following a review and evaluation relative to the continued existence of the Bureau of Publicity and Information (Department and Board), the committee voted to recommend the continued existence of the Bureau of Publicity and Information (Department and Board); now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Bureau of Publicity and Information (Department and Board), pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 114. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA STATE UNIVERSITY.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama State University; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama State University, the committee voted to recommend the continued existence of the Alabama State University; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama State University, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 115. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA A & M UNIVERSITY.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama A & M University; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama A & M University, the committee voted to recommend the continued existence of the Alabama A & M University; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama A & M University, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 116. PROVIDING FOR THE CONTINUED EXISTENCE OF THE COSMETOLOGY BOARD.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered

upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Cosmetology Board; and

WHEREAS, following a review and evaluation relative to the continued existence of the Cosmetology Board, the committee voted to recommend the continued existence of the Cosmetology Board; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Cosmetology Board, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 117. PROVIDING FOR THE CONTINUED EXISTENCE OF THE JUNIOR COLLEGE BRANCH OF DEPARTMENT OF EDUCATION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Junior College Branch of Department of Education; and

WHEREAS, following a review and evaluation relative to the continued existence of the Junior College Branch of Department of Education, the committee voted to recommend the continued existence of the Junior College Branch of Department of Education; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Junior College Branch of Department of Education, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 118. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALEXANDER CITY STATE JUNIOR COLLEGE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alexander City State Junior College; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alexander City State Junior College, the committee voted to recommend the continued existence of the Alexander City State Junior College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alexander City State Junior College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 119. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BISHOP STATE JUNIOR COLLEGE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Bishop State Junior College; and

WHEREAS, following a review and evaluation relative to the continued existence of the Bishop State Junior College, the committee voted to recommend the continued existence of the Bishop State Junior College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Bishop State Junior College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 120. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BREWER STATE JUNIOR COLLEGE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Brewer State Junior College; and

WHEREAS, following a review and evaluation relative to the continued existence of the Brewer State Junior College, the committee voted to recommend the continued existence of the Brewer State Junior College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Brewer State Junior College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 121. PROVIDING FOR THE CONTINUED EXISTENCE OF THE JOHN C. CALHOUN STATE COMMUNITY COLLEGE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the John C. Calhoun State Community College; and

WHEREAS, following a review and evaluation relative to the continued existence of the John C. Calhoun State Community College, the committee voted to recommend the continued existence of the John C. Calhoun State Community College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the John C. Calhoun



State Community College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 122. PROVIDING FOR THE CONTINUED EXISTENCE OF THE CHATTAHOOCHEE VALLEY COMMUNITY COLLEGE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Chattahoochee Valley Community College; and

WHEREAS, following a review and evaluation relative to the continued existence of the Chattahoochee Valley Community College, the committee voted to recommend the continued existence of the Chattahoochee Valley Community College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Chattahoochee Valley Community College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 123. PROVIDING FOR THE CONTINUED EXISTENCE OF THE JEFFERSON DAVIS STATE JUNIOR COLLEGE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Jefferson Davis State Junior College; and

WHEREAS, following a review and evaluation relative to the continued existence of the Jefferson Davis State Junior College, the committee voted to recommend the continued existence of the Jefferson Davis State Junior College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Jefferson Davis State Junior College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 124. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ENTERPRISE STATE JUNIOR COLLEGE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Enterprise State Junior College; and

WHEREAS, following a review and evaluation relative to the continued existence of the Enterprise State Junior College, the committee voted to recommend the continued existence of the Enterprise State Junior College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Enterprise State Junior College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 125. PROVIDING FOR THE CONTINUED EXISTENCE OF THE JAMES H. FAULKNER STATE JUNIOR COLLEGE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the James H. Faulkner State Junior College; and

WHEREAS, following a review and evaluation relative to the continued existence of the James H. Faulkner State Junior College, the committee voted to recommend the continued existence of the James H. Faulkner State Junior College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the James H. Faulkner State Junior College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 126. PROVIDING FOR THE CONTINUED EXISTENCE OF THE GADSDEN STATE JUNIOR COLLEGE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Gadsden State Junior College; and

WHEREAS, following a review and evaluation relative to the continued existence of the Gadsden State Junior College, the committee voted to recommend the continued existence of the Gadsden State Junior College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Gadsden State Junior College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 127. PROVIDING FOR THE CONTINUED EXISTENCE OF THE PATRICK HENRY STATE JUNIOR COLLEGE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Patrick Henry State Junior College; and

WHEREAS, following a review and evaluation relative to the continued existence of the Patrick Henry State Junior College, the committee voted to recommend the continued existence of the Patrick Henry State Junior College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Patrick Henry State Junior College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 128. PROVIDING FOR THE CONTINUED EXISTENCE OF THE JEFFERSON STATE JUNIOR COLLEGE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Jefferson State Junior College; and

WHEREAS, following a review and evaluation relative to the continued existence of the Jefferson State Junior College, the committee voted to recommend the continued existence of the Jefferson State Junior College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Jefferson State Junior College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 129. PROVIDING FOR THE CONTINUED EXISTENCE OF THE LAWSON STATE COMMUNITY COLLEGE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Lawson State Community College; and

WHEREAS, following a review and evaluation relative to the continued existence of the Lawson State Community College, the committee voted to recommend the continued existence of the Lawson State Community College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Lawson State Community College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

**S. J. R. 130. PROVIDING FOR THE CONTINUED EXISTENCE OF THE NORTHEAST ALABAMA STATE JUNIOR COLLEGE.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Northeast Alabama State Junior College; and

WHEREAS, following a review and evaluation relative to the continued existence of the Northeast Alabama State Junior College, the committee voted to recommend the continued existence of the Northeast Alabama State Junior College; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That the Northeast Alabama State Junior College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

**S. J. R. 131. PROVIDING FOR THE CONTINUED EXISTENCE OF THE NORTHWEST ALABAMA STATE JUNIOR COLLEGE.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Northwest Alabama State Junior College; and

WHEREAS, following a review and evaluation relative to the continued existence of the Northwest Alabama State Junior College, the committee voted to recommend the continued existence of the Northwest Alabama State Junior College; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That the Northwest Alabama State Junior College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

**S. J. R. 132. PROVIDING FOR THE CONTINUED EXISTENCE OF SNEAD STATE JUNIOR COLLEGE.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of Snead State Junior College; and

WHEREAS, following a review and evaluation relative to the continued existence of Snead State Junior College, the committee voted to recommend the continued existence of Snead State Junior College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Snead State Junior College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 133. PROVIDING FOR THE CONTINUED EXISTENCE OF SOUTHERN UNION STATE JUNIOR COLLEGE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of Southern Union State Junior College; and

WHEREAS, following a review and evaluation relative to the continued existence of Southern Union State Junior College, the committee voted to recommend the continued existence of Southern Union State Junior College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Southern Union State Junior College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 134. PROVIDING FOR THE CONTINUED EXISTENCE OF THE GEORGE C. WALLACE STATE COMMUNITY COLLEGE (DOTHAN).

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the George C. Wallace State Community College (Dothan); and

WHEREAS, following a review and evaluation relative to the continued existence of the George C. Wallace State Community College (Dothan), the committee voted to recommend the continued existence of the George C. Wallace State Community College (Dothan); now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the George C. Wallace State Community College (Dothan), pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 135. PROVIDING FOR THE CONTINUED EXISTENCE OF THE GEORGE C. WALLACE STATE COMMUNITY COLLEGE (HANCEVILLE).

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the George C. Wallace State Community College (Hanceville); and

WHEREAS, following a review and evaluation relative to the continued existence of the George C. Wallace State Community College (Hanceville), the committee voted to recommend the continued existence of the George C. Wallace State Community College (Hanceville); now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the George C. Wallace State Community College (Hanceville), pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 136. PROVIDING FOR THE CONTINUED EXISTENCE OF THE GEORGE C. WALLACE STATE COMMUNITY COLLEGE (SELMA).

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the George C. Wallace State Community College (Selma); and

WHEREAS, following a review and evaluation relative to the continued existence of the George C. Wallace State Community College (Selma), the committee voted to recommend the continued existence of the George C. Wallace State Community College (Selma); now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the George C. Wallace State Community College (Selma), pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 137. PROVIDING FOR THE CONTINUED EXISTENCE OF THE LURLEEN B. WALLACE STATE JUNIOR COLLEGE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Lurleen B. Wallace State Junior College; and

WHEREAS, following a review and evaluation relative to the continued existence of the Lurleen B. Wallace State Junior College, the committee voted to recommend the continued existence of the Lurleen B. Wallace State Junior College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Lurleen B. Wallace State Junior College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

**S. J. R. 138. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA DEVELOPMENT OFFICE.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Development Office; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama Development Office, the committee voted to recommend the continued existence of the Alabama Development Office; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That the Alabama Development Office, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

**S. J. R. 139. PROVIDING FOR THE TERMINATION OF THE ALABAMA RIVER DEVELOPMENT AUTHORITY.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama River Development Authority; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama River Development Authority, the committee voted to recommend termination of the Alabama River Development Authority; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That the Alabama River Development Authority, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

By Mr. Owen:

**S. J. R. 140. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA DEPARTMENT OF ARCHIVES AND HISTORY.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Department of Archives and History; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama Department of Archives and History, the committee voted to recommend the continued existence of the Alabama Department of Archives and History; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That the Alabama

Department of Archives and History, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

**S. J. R. 141. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BOARD OF TRUSTEES, ARCHIVES AND HISTORY DEPARTMENT.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Board of Trustees, Archives and History Department; and

WHEREAS, following a review and evaluation relative to the continued existence of the Board of Trustees, Archives and History Department, the committee voted to recommend the continued existence of the Board of Trustees, Archives and History Department; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That the Board of Trustees, Archives and History Department, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

**S. J. R. 142. PROVIDING FOR THE CONTINUED EXISTENCE OF THE COUNTY RECORDS COMMISSION.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the County Records Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the County Records Commission, the committee voted to recommend the continued existence of the County Records Commission; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That the County Records Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

**S. J. R. 143. PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE RECORDS COMMISSION.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the State Records Commission; and



WHEREAS, following a review and evaluation relative to the continued existence of the State Records Commission, the committee voted to recommend the continued existence of the State Records Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the State Records Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 144. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA HALL OF FAME.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Hall of Fame; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama Hall of Fame, the committee voted to recommend the continued existence of the Alabama Hall of Fame; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Hall of Fame, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 145. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA ACADEMY OF HONOR.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Academy of Honor; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama Academy of Honor, the committee voted to recommend the continued existence of the Alabama Academy of Honor; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Academy of Honor, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 146. PROVIDING FOR THE CONTINUED EXISTENCE OF THE STONEWALL JACKSON MEMORIAL.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public

and all interested parties relating to the continued existence of the Stonewall Jackson Memorial; and

WHEREAS, following a review and evaluation relative to the continued existence of the Stonewall Jackson Memorial, the committee voted to recommend the continued existence of the Stonewall Jackson Memorial; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Stonewall Jackson Memorial, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 147. PROVIDING FOR THE CONTINUED EXISTENCE OF THE GOVERNOR'S MANSION ADVISORY BOARD.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Governor's Mansion Advisory Board; and

WHEREAS, following a review and evaluation relative to the continued existence of the Governor's Mansion Advisory Board, the committee voted to recommend the continued existence of the Governor's Mansion Advisory Board; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Governor's Mansion Advisory Board, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 148. PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE CAPITOL PRESERVATION COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the State Capitol Preservation Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the State Capitol Preservation Commission, the committee voted to recommend the continued existence of the State Capitol Preservation Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the State Capitol Preservation Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

**S. J. R. 149. PROVIDING FOR THE CONTINUED EXISTENCE OF THE TECHNICAL COLLEGE DIVISION (DEPARTMENT OF EDUCATION).**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Technical College Division (Department of Education); and

WHEREAS, following a review and evaluation relative to the continued existence of the Technical College Division (Department of Education), the committee voted to recommend the continued existence of the Technical College Division (Department of Education); now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That the Technical College Division (Department of Education), pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

**S. J. R. 150. PROVIDING FOR THE CONTINUED EXISTENCE OF ALABAMA AVIATION AND TECHNICAL COLLEGE.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of Alabama Aviation and Technical College; and

WHEREAS, following a review and evaluation relative to the continued existence of Alabama Aviation and Technical College, the committee voted to recommend the continued existence of Alabama Aviation and Technical College; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That Alabama Aviation and Technical College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

**S. J. R. 151. PROVIDING FOR THE CONTINUED EXISTENCE OF ALABAMA TECHNICAL COLLEGE.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of Alabama Technical College; and

WHEREAS, following a review and evaluation relative to the continued existence of Alabama Technical College, the committee voted to recommend the continued existence of Alabama Technical College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Alabama Technical College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 152. PROVIDING FOR THE CONTINUED EXISTENCE OF GADSDEN STATE TECHNICAL COLLEGE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of Gadsden State Technical College; and

WHEREAS, following a review and evaluation relative to the continued existence of Gadsden State Technical College, the committee voted to recommend the continued existence of Gadsden State Technical College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Gadsden State Technical College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 153. PROVIDING FOR THE CONTINUED EXISTENCE OF HARRY M. AYERS STATE TECHNICAL COLLEGE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of Harry M. Ayers State Technical College; and

WHEREAS, following a review and evaluation relative to the continued existence of Harry M. Ayers State Technical College, the committee voted to recommend the continued existence of Harry M. Ayers State Technical College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Harry M. Ayers State Technical College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 154. PROVIDING FOR THE CONTINUED EXISTENCE OF BESSEMER STATE TECHNICAL COLLEGE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of Bessemer State Technical College; and

WHEREAS, following a review and evaluation relative to the continued existence of Bessemer State Technical College, the committee voted to recommend the continued existence of Bessemer State Technical College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Bessemer State Technical College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 155. PROVIDING FOR THE CONTINUED EXISTENCE OF CARVER STATE TECHNICAL TRADE SCHOOL.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of Carver State Technical Trade School; and

WHEREAS, following a review and evaluation relative to the continued existence of Carver State Technical Trade School, the committee voted to recommend the continued existence of Carver State Technical Trade School; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Carver State Technical Trade School, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 156. PROVIDING FOR THE CONTINUED EXISTENCE OF SOUTHWEST STATE TECHNICAL COLLEGE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of Southwest State Technical College; and

WHEREAS, following a review and evaluation relative to the continued existence of Southwest State Technical College, the committee voted to recommend the continued existence of Southwest State Technical College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Southwest State Technical College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 157. PROVIDING FOR THE CONTINUED EXISTENCE OF J. F. DRAKE STATE TECHNICAL COLLEGE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public

and all interested parties relating to the continued existence of J. F. Drake State Technical College; and

WHEREAS, following a review and evaluation relative to the continued existence of J. F. Drake State Technical College, the committee voted to recommend the continued existence of J. F. Drake State Technical College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That J. F. Drake State Technical College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 158. PROVIDING FOR THE CONTINUED EXISTENCE OF RICHMOND P. HOBSON STATE TECHNICAL COLLEGE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of Richmond P. Hobson State Technical College; and

WHEREAS, following a review and evaluation relative to the continued existence of Richmond P. Hobson State Technical College, the committee voted to recommend the continued existence of Richmond P. Hobson State Technical College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Richmond P. Hobson State Technical College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 159. PROVIDING FOR THE CONTINUED EXISTENCE OF J. F. INGRAM STATE TECHNICAL INSTITUTE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of J. F. Ingram State Technical Institute; and

WHEREAS, following a review and evaluation relative to the continued existence of J. F. Ingram State Technical Institute, the committee voted to recommend the continued existence of J. F. Ingram State Technical Institute; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That J. F. Ingram State Technical Institute, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 160. PROVIDING FOR THE CONTINUED EXISTENCE OF ED. E. REID STATE TECHNICAL COLLEGE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of Ed. E. Reid State Technical College; and

WHEREAS, following a review and evaluation relative to the continued existence of Ed. E. Reid State Technical College, the committee voted to recommend the continued existence of Ed. E. Reid State Technical College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Ed. E. Reid State Technical College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 161. PROVIDING FOR THE CONTINUED EXISTENCE OF DOUGLAS MACARTHUR STATE TECHNICAL COLLEGE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of Douglas MacArthur State Technical College; and

WHEREAS, following a review and evaluation relative to the continued existence of Douglas MacArthur State Technical College, the committee voted to recommend the continued existence of Douglas MacArthur State Technical College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Douglas MacArthur State Technical College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 162. PROVIDING FOR THE CONTINUED EXISTENCE OF MUSCLE SHOALS TECHNICAL INSTITUTE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of Muscle Shoals Technical Institute; and

WHEREAS, following a review and evaluation relative to the continued existence of Muscle Shoals Technical Institute, the committee voted to recommend the continued existence of Muscle Shoals Technical Institute; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Muscle Shoals Technical Institute, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

**S. J. R. 163. PROVIDING FOR THE CONTINUED EXISTENCE OF NORTHWEST ALABAMA STATE TECHNICAL COLLEGE.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of Northwest Alabama State Technical College; and

WHEREAS, following a review and evaluation relative to the continued existence of Northwest Alabama State Technical College, the committee voted to recommend the continued existence of Northwest Alabama State Technical College; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That Northwest Alabama State Technical College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

**S. J. R. 164. PROVIDING FOR THE CONTINUED EXISTENCE OF N. F. NUNNELLEY STATE TECHNICAL COLLEGE.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of N. F. Nunnelley State Technical College; and

WHEREAS, following a review and evaluation relative to the continued existence of N. F. Nunnelley State Technical College, the committee voted to recommend the continued existence of N. F. Nunnelley State Technical College; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That N. F. Nunnelley State Technical College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

**S. J. R. 165. PROVIDING FOR THE CONTINUED EXISTENCE OF OPELIKA STATE TECHNICAL COLLEGE.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of Opelika State Technical College; and

WHEREAS, following a review and evaluation relative to the continued existence of Opelika State Technical College, the committee voted to recommend the continued existence of Opelika State Technical College; now therefore,



BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Opelika State Technical College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 166. PROVIDING FOR THE CONTINUED EXISTENCE OF JOHN M. PATTERSON STATE TECHNICAL COLLEGE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of John M. Patterson State Technical College; and

WHEREAS, following a review and evaluation relative to the continued existence of John M. Patterson State Technical College, the committee voted to recommend the continued existence of John M. Patterson State Technical College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That John M. Patterson State Technical College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 167. PROVIDING FOR THE CONTINUED EXISTENCE OF COUNCILL TRENHOLM STATE TECHNICAL COLLEGE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of Councill Trenholm State Technical College; and

WHEREAS, following a review and evaluation relative to the continued existence of Councill Trenholm State Technical College, the committee voted to recommend the continued existence of Councill Trenholm State Technical College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Councill Trenholm State Technical College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 168. PROVIDING FOR THE CONTINUED EXISTENCE OF SHELTON STATE TECHNICAL COLLEGE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of Shelton State Technical College; and

WHEREAS, following a review and evaluation relative to the continued existence of Shelton State Technical College, the committee voted to recommend the continued existence of Shelton State Technical College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Shelton State Technical College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 169. PROVIDING FOR THE CONTINUED EXISTENCE OF TUSCALOOSA STATE TECHNICAL COLLEGE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of Tuscaloosa State Technical College; and

WHEREAS, following a review and evaluation relative to the continued existence of Tuscaloosa State Technical College, the committee voted to recommend the continued existence of Tuscaloosa State Technical College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Tuscaloosa State Technical College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 170. PROVIDING FOR THE CONTINUED EXISTENCE OF ATMORE STATE TECHNICAL INSTITUTE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of Atmore State Technical Institute; and

WHEREAS, following a review and evaluation relative to the continued existence of Atmore State Technical Institute, the committee voted to recommend the continued existence of Atmore State Technical Institute; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Atmore State Technical Institute, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 171. PROVIDING FOR THE CONTINUED EXISTENCE OF CHAUNCEY SPARKS STATE TECHNICAL COLLEGE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public

and all interested parties relating to the continued existence of Chauncey Sparks State Technical College; and

WHEREAS, following a review and evaluation relative to the continued existence of Chauncey Sparks State Technical College, the committee voted to recommend the continued existence of Chauncey Sparks State Technical College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Chauncey Sparks State Technical College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 172. PROVIDING FOR THE CONTINUED EXISTENCE OF WALKER STATE TECHNICAL COLLEGE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of Walker State Technical College; and

WHEREAS, following a review and evaluation relative to the continued existence of Walker State Technical College, the committee voted to recommend the continued existence of Walker State Technical College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Walker State Technical College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 173. PROVIDING FOR THE CONTINUED EXISTENCE OF THE COMMISSION ON AGING (DEPARTMENT AND COMMISSION).

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Commission on Aging (Department and Commission); and

WHEREAS, following a review and evaluation relative to the continued existence of the Commission on Aging (Department and Commission), the committee voted to recommend the continued existence of the Commission on Aging (Department and Commission); now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Commission on Aging (Department and Commission), pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

**S. J. R. 174. PROVIDING FOR THE CONTINUED EXISTENCE OF THE CHOCTAWHATCHEE WATERSHED CONSERVANCY DISTRICT.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Choctawhatchee Watershed Conservancy District; and

WHEREAS, following a review and evaluation relative to the continued existence of the Choctawhatchee Watershed Conservancy District, the committee voted to recommend the continued existence of the Choctawhatchee Watershed Conservancy District; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That the Choctawhatchee Watershed Conservancy District, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

**S. J. R. 175. PROVIDING FOR THE TERMINATION OF THE LOST CREEK WATERSHED.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Lost Creek Watershed; and

WHEREAS, following a review and evaluation relative to the continued existence of the Lost Creek Watershed, the committee voted to recommend termination of the Lost Creek Watershed; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That the Lost Creek Watershed, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

By Mr. Owen:

**S. J. R. 176. PROVIDING FOR THE CONTINUED EXISTENCE OF THE DEAF AND BLIND INSTITUTE.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Deaf and Blind Institute; and

WHEREAS, following a review and evaluation relative to the continued existence of the Deaf and Blind Institute, the committee voted to recommend the continued existence of the Deaf and Blind Institute; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That the Deaf and Blind

Institute, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

**S. J. R. 177. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BOARD OF DENTAL SCHOLARSHIP AWARDS.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Board of Dental Scholarship Awards; and

WHEREAS, following a review and evaluation relative to the continued existence of the Board of Dental Scholarship Awards, the committee voted to recommend the continued existence of the Board of Dental Scholarship Awards; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That the Board of Dental Scholarship Awards, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

**S. J. R. 178. PROVIDING FOR THE CONTINUED EXISTENCE OF THE MEDICAL SCHOLARSHIP AWARDS.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Medical Scholarship Awards; and

WHEREAS, following a review and evaluation relative to the continued existence of the Medical Scholarship Awards, the committee voted to recommend the continued existence of the Medical Scholarship Awards; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That the Medical Scholarship Awards, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

**S. J. R. 179. PROVIDING FOR THE CONTINUED EXISTENCE OF THE FIRE COLLEGE (DEPARTMENT AND ADVISORY COMMITTEE).**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Fire College (Department and Advisory committee); and

WHEREAS, following a review and evaluation relative to the continued existence of the Fire College (Department and Advisory

Committee), the committee voted to recommend the continued existence of the Fire College (Department and Advisory Committee); now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Fire College (Department and Advisory Committee), pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 180. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BUILDING COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Building Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Building Commission, the committee voted to recommend the continued existence of the Building Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Building Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 181. PROVIDING FOR THE TERMINATION OF THE RIVERBOAT ASSOCIATION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Riverboat Association; and

WHEREAS, following a review and evaluation relative to the continued existence of the Riverboat Association, the committee voted to recommend termination of the Riverboat Association; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Riverboat Association, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

By Mr. Owen:

S. J. R. 182. PROVIDING FOR THE CONTINUED EXISTENCE OF THE VETERANS DAY PROMOTION IN ALABAMA, BIRMINGHAM.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Veterans Day Promotion in Alabama, Birmingham; and

WHEREAS, following a review and evaluation relative to the continued existence of the Veterans Day Promotion in Alabama, Birmingham, the committee voted to recommend the continued existence of the Veterans Day Promotion in Alabama, Birmingham; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Veterans Day Promotion in Alabama, Birmingham, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 183. PROVIDING FOR THE CONTINUED EXISTENCE OF THE NATIONAL VETERANS DAY.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the National Veterans Day; and

WHEREAS, following a review and evaluation relative to the continued existence of the National Veterans Day, the committee voted to recommend the continued existence of the National Veterans Day; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the National Veterans Day, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 184. PROVIDING FOR THE CONTINUED EXISTENCE OF THE COUNCIL OF ALABAMA ARCHAEOLOGY.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Council of Alabama Archaeology; and

WHEREAS, following a review and evaluation relative to the continued existence of the Council of Alabama Archaeology, the committee voted to recommend the continued existence of the Council of Alabama Archaeology; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Council of Alabama Archaeology, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 185. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ARCHEOLOGICAL ADVISORY COUNCIL.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered

upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Archaeological Advisory Council; and

WHEREAS, following a review and evaluation relative to the continued existence of the Archaeological Advisory Council, the committee voted to recommend the continued existence of the Archeological Advisory Council; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Archeological Advisory Council, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 186. PROVIDING FOR THE CONTINUED EXISTENCE OF THE AGRICULTURAL AND INDUSTRIAL EXHIBIT COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Agricultural and Industrial Exhibit Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Agricultural and Industrial Exhibit Commission, the committee voted to recommend the continued existence of the Agricultural and Industrial Exhibit Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Agricultural and Industrial Exhibit Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 187. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA PLANNING AND ADVISORY COUNCIL FOR DEVELOPMENTAL DISABILITIES SERVICE AND FACILITIES.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Planning and Advisory Council for Developmental Disabilities Service and Facilities; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama Planning and Advisory Council for Developmental Disabilities Service and Facilities, the committee voted to recommend the continued existence of the Alabama Planning and Advisory Council for Developmental Disabilities Service and Facilities; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama



Planning and Advisory Council for Developmental Disabilities Service and Facilities, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

**S. J. R. 188. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BIRMINGHAM TRAINING CENTER FOR BRAIN INJURED CHILDREN.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Birmingham Training Center for Brain Injured Children; and

WHEREAS, following a review and evaluation relative to the continued existence of the Birmingham Training Center for Brain Injured Children, the committee voted to recommend the continued existence of the Birmingham Training Center for Brain Injured Children; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That the Birmingham Training Center for Brain Injured Children, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

**S. J. R. 189. PROVIDING FOR THE CONTINUED EXISTENCE OF THE HISTORICAL COMMISSION.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Historical Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Historical Commission, the committee voted to recommend the continued existence of the Historical Commission; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That the Historical Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

**S. J. R. 190. PROVIDING FOR THE CONTINUED EXISTENCE OF THE LIVE IN A LANDMARK COUNCIL.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the Committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Live in a Landmark Council; and

WHEREAS, following a review and evaluation relative to the continued existence of the Live in a Landmark Council, the committee voted to recommend the continued existence of the Live in a Landmark Council; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Live in a Landmark Council, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 191. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA DIVERSION INVESTIGATIVE UNIT.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Diversion Investigative Unit; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama Diversion Investigative Unit, the committee voted to recommend the continued existence of the Alabama Diversion Investigative Unit; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Diversion Investigative Unit, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 192. PROVIDING FOR THE CONTINUED EXISTENCE OF THE APPALACHIAN REGIONAL COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Appalachian Regional Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Appalachian Regional Commission, the committee voted to recommend the continued existence of the Appalachian Regional Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Appalachian Regional Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 193. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BIG NANCE WATERSHED CONSERVANCY.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered

upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Big Nance Watershed Conservancy; and

WHEREAS, following a review and evaluation relative to the continued existence of the Big Nance Watershed Conservancy, the committee voted to recommend the continued existence of the Big Nance Watershed Conservancy; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Big Nance Watershed Conservancy, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 194. PROVIDING FOR THE TERMINATION OF THE DEKALB COUNTY-BIG WILLIS WATERSHED.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the DeKalb County-Big Willis Watershed; and

WHEREAS, following a review and evaluation relative to the continued existence of the DeKalb County-Big Willis Watershed, the committee voted to recommend termination of the DeKalb County-Big Willis Watershed; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the DeKalb County-Big Willis Watershed, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

By Mr. Owen:

S. J. R. 195. PROVIDING FOR THE TERMINATION OF THE ETOWAH COUNTY-BIG WILLIS WATERSHED.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Etowah County-Big Willis Watershed; and

WHEREAS, following a review and evaluation relative to the continued existence of the Etowah County-Big Willis Watershed, the committee voted to recommend termination of the Etowah County-Big Willis Watershed; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Etowah County-Big Willis Watershed, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

By Mr. Owen:

S. J. R. 196. PROVIDING FOR THE TERMINATION OF THE ALABAMA CONSTITUTIONAL COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Constitutional Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama Constitutional Commission, the committee voted to recommend termination of the Alabama Constitutional Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Constitutional Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

By Mr. Owen:

S. J. R. 197. PROVIDING FOR THE CONTINUED EXISTENCE OF THE CHATTAHOOCHEE HISTORICAL COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Chattahoochee Historic Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Chattahoochee Historical Commission, the committee voted to recommend the continued existence of the Chattahoochee Historic Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Chattahoochee Historic Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 198. PROVIDING FOR THE CONTINUED EXISTENCE OF THE CAHABA RIVER COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Cahaba River Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Cahaba River Commission, the committee voted to recommend the continued existence of the Cahaba River Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Cahaba River Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

**S. J. R. 199. PROVIDING FOR THE TERMINATION OF THE ALABAMA AVIATION EXHIBIT COMMISSION.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Aviation Exhibit Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama Aviation Exhibit Commission, the committee voted to recommend termination of the Alabama Aviation Exhibit Commission; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That the Alabama Aviation Exhibit Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

By Mr. Owen:

**S. J. R. 200. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BOND COMMISSION 1951.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Bond Commission 1951; and

WHEREAS, following a review and evaluation relative to the continued existence of the Bond Commission 1951, the committee voted to recommend the continued existence of the Bond Commission 1951; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That the Bond Commission 1951, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

**S. J. R. 201. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BOARD OF COMPROMISE.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Board of Compromise; and

WHEREAS, following a review and evaluation relative to the continued existence of the Board of Compromise, the committee voted to recommend the continued existence of the Board of Compromise; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That the Board of

Compromise, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

**S. J. R. 202. PROVIDING FOR THE CONTINUED EXISTENCE OF THE COOSA-ALABAMA DEVELOPMENT AUTHORITY.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Coosa-Alabama Development Authority; and

WHEREAS, following a review and evaluation relative to the continued existence of the Coosa-Alabama Development Authority, the committee voted to recommend the continued existence of the Coosa-Alabama Development Authority; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That the Coosa-Alabama Development Authority, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

**S. J. R. 203. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BOXING AND WRESTLING COMMISSION.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Boxing and Wrestling Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Boxing and Wrestling Commission, the committee voted to recommend the continued existence of the Boxing and Wrestling commission; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That the Boxing and Wrestling Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

**S. J. R. 204. PROVIDING FOR THE CONTINUED EXISTENCE OF THE FARMERS MARKET AUTHORITY.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Farmers Market Authority; and

WHEREAS, following a review and evaluation relative to the continued existence of the Farmers Market Authority, the committee

voted to recommend the continued existence of the Farmers Market Authority; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Farmers Market Authority, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 205. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ETHICS COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Ethics Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Ethics Commission, the committee voted to recommend the continued existence of the Ethics Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Ethics Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 206. PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE BOARD OF ADJUSTMENT.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the State Board of Adjustment; and

WHEREAS, following a review and evaluation relative to the continued existence of the State Board of Adjustment, the committee voted to recommend the continued existence of the State Board of Adjustment; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the State Board of Adjustment, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 207. PROVIDING FOR THE CONTINUED EXISTENCE OF THE CORRECTIONS INSTITUTION FINANCE AUTHORITY.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Corrections Institution Finance Authority; and

WHEREAS, following a review and evaluation relative to the continued existence of the Corrections Institution Finance Authority, the committee voted to recommend the continued existence of the Corrections Institution Finance Authority; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Corrections Institution Finance Authority, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 208. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA POLLUTION CONTROL FINANCE AUTHORITY.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Pollution Control Finance Authority; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama Pollution Control Finance Authority, the committee voted to recommend the continued existence of the Alabama Pollution Control Finance Authority; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Pollution Control Finance Authority, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 209. PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE TENURE COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the State Tenure Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the State Tenure Commission, the committee voted to recommend the continued existence of the State Tenure Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the State Tenure Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 210. PROVIDING FOR THE CONTINUED EXISTENCE OF THE COMMISSION ON UNIFORM STATE LAWS.



WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Commission on Uniform State Laws; and

WHEREAS, following a review and evaluation relative to the continued existence of the Commission on Uniform State Laws, the committee voted to recommend the continued existence of the Commission on Uniform State Laws; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Commission on Uniform State Laws, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

**S. J. R. 211. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA WOMEN'S COMMISSION.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Women's Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama Women's Commission, the committee voted to recommend the continued existence of the Alabama Women's Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Women's Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

**S. J. R. 212. PROVIDING FOR THE CONTINUED EXISTENCE OF THE MEAT AND POULTRY INSPECTION ADVISORY COUNCIL.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Meat and Poultry Inspection Advisory Council; and

WHEREAS, following a review and evaluation relative to the continued existence of the Meat and Poultry Inspection Advisory Council, the committee voted to recommend the continued existence of the Meat and Poultry Inspection Advisory Council; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Meat and Poultry Inspection Advisory Council, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

**S. J. R. 213. PROVIDING FOR THE CONTINUED EXISTENCE OF HANK WILLIAMS MEMORIAL COMMISSION.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Hank Williams Memorial Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Hank Williams Memorial Commission, the committee voted to recommend the continued existence of the Hank Williams Memorial Commission; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That the Hank Williams Memorial Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

**S. J. R. 214. PROVIDING FOR THE CONTINUED EXISTENCE OF THE UNIVERSITY OF NORTH ALABAMA.**

WHEREAS, Pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the University of North Alabama; and

WHEREAS, following a review and evaluation relative to the continued existence of the University of North Alabama, the committee voted to recommend the continued existence of the University of North Alabama; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That the University of North Alabama, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

**S. J. R. 215. PROVIDING FOR THE CONTINUED EXISTENCE OF THE CAMP SANITATION AND SAFETY ADVISORY COMMITTEE.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Camp Sanitation and Safety Advisory Committee; and

WHEREAS, following a review and evaluation relative to the continued existence of the Camp Sanitation and Safety Advisory Committee, the committee voted to recommend the continued existence of the Camp Sanitation and Safety Advisory Committee; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Camp Sanitation and Safety Advisory Committee, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 216. PROVIDING FOR THE CONTINUED EXISTENCE OF THE JOINT INTERIM COMMITTEE ON FINANCE AND TAXATION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Joint Interim Committee on Finance and Taxation; and

WHEREAS, following a review and evaluation relative to the continued existence of the Joint Interim Committee on Finance and Taxation, the committee voted to recommend the continued existence of the Joint Interim Committee on Finance and Taxation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Joint Interim Committee on Finance and Taxation, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 217. PROVIDING FOR THE CONTINUED EXISTENCE OF WALKER COLLEGE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of Walker College; and

WHEREAS, following a review and evaluation relative to the continued existence of Walker College, the committee voted to recommend the continued existence of Walker College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Walker College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 218. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA ADVISORY COUNCILS ON VOCATIONAL EDUCATION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Advisory Councils on Vocational Education; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama Advisory Councils on Vocational Education, the committee voted to recommend the continued existence of the Alabama Advisory Councils on Vocational Education; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Advisory Councils on Vocational Education, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 219. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA WOMEN'S HALL OF FAME.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Women's Hall of Fame; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama Women's Hall of Fame, the committee voted to recommend the continued existence of the Alabama Women's Hall of Fame; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Women's Hall of Fame, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 220. PROVIDING FOR THE TERMINATION OF THE COMMITTEE TO SURVEY LIVING CONDITIONS IN STATE INSTITUTIONS.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Committee to Survey Living Conditions in State Institutions; and

WHEREAS, following a review and evaluation relative to the continued existence of the Committee to Survey Living Conditions in State Institutions, the committee voted to recommend termination of the Committee to Survey Living Conditions in State Institutions; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Committee to Survey Living Conditions in State Institutions, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

By Mr. Owen:

S. J. R. 221. PROVIDING FOR THE TERMINATION OF THE FIRE ANT STUDY COMMITTEE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Fire Ant Study Committee; and

WHEREAS, following a review and evaluation relative to the continued existence of the Fire Ant Study Committee, the committee voted to recommend termination of the Fire Ant Study Committee; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Fire Ant Study Committee, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

By Mr. Owen:

S. J. R. 222. PROVIDING FOR THE TERMINATION OF THE COMMISSION ON INTERGOVERNMENTAL COOPERATION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Commission on Intergovernmental Cooperation; and

WHEREAS, following a review and evaluation relative to the continued existence of the Commission on Intergovernmental Cooperation, the committee voted to recommend termination of the Commission on Intergovernmental Cooperation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Commission on Intergovernmental Cooperation, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

By Mr. Owen:

S. J. R. 223. PROVIDING FOR THE CONTINUED EXISTENCE OF THE DEPARTMENT OF COURT MANAGEMENT.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Department of Court Management; and

WHEREAS, following a review and evaluation relative to the continued existence of the Department of Court Management, the committee voted to recommend the continued existence of the Department of Court Management; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Department of Court Management, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

**S. J. R. 224. PROVIDING FOR THE CONTINUED EXISTENCE OF THE PERMANENT STUDY COMMITTEE ON ALABAMA'S JUDICIAL SYSTEM.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Permanent Study Committee on Alabama's Judicial System; and

WHEREAS, following a review and evaluation relative to the continued existence of the Permanent Study Committee on Alabama's Judicial System, the committee voted to recommend the continued existence of the Permanent Study Committee on Alabama's Judicial System; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That the Permanent Study Committee on Alabama's Judicial System, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

**S. J. R. 225. PROVIDING FOR THE CONTINUED EXISTENCE OF THE DOCKS ADVISORY COMMITTEE.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Docks Advisory Committee; and

WHEREAS, following a review and evaluation relative to the continued existence of the Docks Advisory Committee, the committee voted to recommend the continued existence of the Docks Advisory Committee; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That the Docks Advisory Committee, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

**S. J. R. 226. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BEAUTIFICATION BOARD.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Beautification Board; and

WHEREAS, following a review and evaluation relative to the continued existence of the Beautification Board, the committee voted to recommend the continued existence of the Beautification Board; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Beautification Board, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 227. PROVIDING FOR THE CONTINUED EXISTENCE OF THE DAUPHIN ISLAND PARK AND BEACH BOARD.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Dauphin Island Park and Beach Board; and

WHEREAS, following a review and evaluation relative to the continued existence of the Dauphin Island Park and Beach Board, the committee voted to recommend the continued existence of the Dauphin Island Park and Beach Board; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Dauphin Island Park and Beach Board, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 228. PROVIDING FOR THE CONTINUED EXISTENCE OF THE MOUNTAIN LAKES ASSOCIATION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Mountain Lakes Association; and

WHEREAS, following a review and evaluation relative to the continued existence of the Mountain Lakes Association, the committee voted to recommend the continued existence of the Mountain Lakes Association; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Mountain Lakes Association, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 229. PROVIDING FOR THE CONTINUED EXISTENCE OF THE TERRAPIN CREEK WATERSHED CONSERVANCY.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Terrapin Creek Watershed Conservancy; and

WHEREAS, following a review and evaluation relative to the continued existence of the Terrapin Creek Watershed Conservancy, the committee voted to recommend the continued existence of the Terrapin Creek Watershed Conservancy; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Terrapin Creek Watershed Conservancy, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 230. PROVIDING FOR THE CONTINUED EXISTENCE OF THE LaGRANGE HISTORICAL COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the LaGrange Historical Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the LaGrange Historical Commission, the committee voted to recommend the continued existence of the LaGrange Historical Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the LaGrange Historical Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 231. PROVIDING FOR THE CONTINUED EXISTENCE OF THE HELEN KELLER PROPERTY BOARD.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Helen Keller Property Board; and

WHEREAS, following a review and evaluation relative to the continued existence of the Helen Keller Property Board, the committee voted to recommend the continued existence of the Helen Keller Property Board; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Helen Keller Property Board, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

By Mr. Owen:

S. J. R. 232. PROVIDING FOR THE TERMINATION OF THE TASK FORCE ON ENVIRONMENTAL STUDY.



WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Task Force on Environmental Study; and

WHEREAS, following a review and evaluation relative to the continued existence of the Task Force on Environmental Study, the committee voted to recommend termination of the Task Force on Environmental Study; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Task Force on Environmental Study, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

By Mr. Owen:

S. J. R. 233. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ARMED FORCES DAY COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Armed Forces Day Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Armed Forces Day Commission, the committee voted to recommend the continued existence of the Armed Forces Day Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Armed Forces Day Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

### ADJOURNMENT

At 11 o'clock A.M., on motion of Mr. Fine, the Senate adjourned until Tuesday, February 8, 1977, at 2 o'clock P.M.

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### THIRD LEGISLATIVE DAY TUESDAY, FEBRUARY 8, 1977

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

### PRAYER

The Session was opened with prayer by the Reverend Emory B. Green, Minister, Dalraida Baptist Church, Montgomery, Alabama.

## ROLL CALL

Present:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Gilmore, Goodwin, King, Little, Littleton, McDonald (A), McDonald (S), Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

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## JOURNAL

On motion of Mr. Teague, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Second Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

OBIE J. LITTLETON,  
Acting Chairman.

## COMMITTEE REPORT

On motion of Mr. Littleton, the foregoing report was concurred in and the Journal of the Senate for the Second Legislative Day was approved by the Senate.

## LEAVE OF ABSENCE

On motion of Mr. Teague, leave of absence was granted Messrs. Ellis, Jones and McMillan for today.

## INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Fine:

S. 365. Relating to counties having a population of not less than 23,900 nor more than 24,450 inhabitants according to the 1970 or any subsequent federal decennial census; and exempting local school board members in such counties from the prohibition of being employed by the local school board.

Committee on Local Legislation No. 1.

By Mr. Fine:

S. 366. To regulate further the compensation of justices and judges.

Committee on Finance and Taxation.

By Mr. Fine:

S. 367. Relating to counties having a population of not less than 23,900 nor more than 24,450 inhabitants according to the 1970 or any subsequent federal decennial census; providing for the expense allowance for members of the county board of education; and repealing conflicting laws.

Committee on Local Legislation No. 1.

By Mr. St. John:

S. 368. To provide a procedure for cancelling shares of a corporation which have been purchased or reacquired by it and for reducing stated capital by the amount represented by the shares, the effect of which will be to provide a procedure for restoring treasury shares to the status of authorized but unissued shares.

Committee on Judiciary.

By Mr. Wilson:

S. 369. To make annual appropriations for the support, maintenance, and development of public education in Alabama for the fiscal year ending September 30, 1978.

Committee on Finance and Taxation.

By Mr. Wilson:

S. 370. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, and for interest on the public debt and for the public schools, for the fiscal year beginning October 1, 1977.

Committee on Finance and Taxation.

By Mr. Wilson:

S. 371. To make appropriations for the support and maintenance of the Lyman Ward Military Academy for the fiscal year ending September 30, 1977.

Committee on Finance and Taxation.

By Mr. Wilson:

S. 372. To make appropriations for support and maintenance of the Tuskegee Institute, located in Macon County for the fiscal year ending September 30, 1977.

Committee on Finance and Taxation.

By Mr. Wilson:

S. 373. To make appropriations for the support and maintenance of Talladega College.

Committee on Finance and Taxation.

By Mr. Wilson:

S. 374. To make appropriations for the support and maintenance of the Walker County Junior College located in Jasper, Walker County, Alabama for the fiscal year ending September 30, 1977.

Committee on Finance and Taxation.

By Mr. Wilson:

S. 375. To make appropriations for support and maintenance of the Marion Institute, located in Perry County.

Committee on Finance and Taxation.

By Mr. Wilson:

S. 376. To provide salary increases for certain state employees; and to appropriate funds therefor.

Committee on Finance and Taxation.

By Mr. Wilson:

S. 377. To establish a student assistance program in the State of Alabama to be known as the Alabama Student Grant Program, which will provide for state grants to certain approved institutions of postsecondary education in Alabama on behalf of and to the credit of eligible students who are bona fide residents of Alabama; to set forth legislative findings and purposes underlying the Program; to provide for the grants payable under the Program; to designate the Alabama Commission on Higher Education to administer the Program; to vest the Alabama Commission on Higher Education with the powers and duties reasonably needed for the effective implementation and administration of the Program; to establish various procedures and requirements concerning the availability of grants, applications for grants, approval and award of grants, renewal of grants, and revocation of grants; to prohibit the use of grants for religious or sectarian purposes and to prohibit the use of money raised for the support of public schools to support schools of a predominantly sectarian or denominational character; to provide for periodic auditing of approved institutions; to provide for periods when there may be sufficient funds to provide such eligible student with a full grant for the terms requested; to provide a penalty for false statements or misrepresentations in connection with the procurement of grants; to make an appropriation funding the program from the Special Education Trust Fund; to provide for severability; to repeal conflicting laws; and to provide an effective date.

Committee on Finance and Taxation.

By Mr. Wilson:

S. 378. To amend Section 2 of Act No. 763 adopted at the 1976 Regular Session which authorizes and provides for the expenditure of any and all funds received to the credit of the Medicaid Program.

Committee on Finance and Taxation.

By Mr. Wilson:

S. 379. To make supplemental appropriations for the use of the Board of Corrections for payment to the various counties for expenses incurred for the housing and confinement of state prisoners in county jails;

for the operations of the Department of Public Safety; and for the payment of interest on General Obligation Bonds paid from the State General Fund.

Committee on Finance and Taxation.

By Mr. Wilson:

S. 380. To make appropriations for the support and maintenance of Talladega College.

Committee on Finance and Taxation.

By Mr. Wilson:

S. 381. To make appropriations for support and maintenance of the Tuskegee Institute, located in Macon County for the fiscal year ending September 30, 1978.

Committee on Finance and Taxation.

By Mr. Wilson:

S. 382. To make appropriations for the support and maintenance of the Lyman Ward Military Academy for the fiscal year ending September 30, 1978.

Committee on Finance and Taxation.

By Mr. Wilson:

S. 383. To make appropriations for the support and maintenance of the Walker County Junior College located in Jasper, Walker County, Alabama for the fiscal year ending September 30, 1978.

Committee on Finance and Taxation.

By Mr. Wilson:

S. 384. To make appropriations for support and maintenance of the Marion Institute, located in Perry County.

Committee on Finance and Taxation.

By Mr. Baker:

S. 385. To amend Act No. 1196, S. 1018, 1975 Regular Session (Acts 1975, p. 2349) which relates to primary elections; to change the date of the primary to August and to provide further for nominations by parties or factions not holding primaries.

Committee on Constitution and Elections.

By Mr. Waldrop:

S. 386. To require that city and county boards of education, the State Board of Education, the Department of Youth Services, the Alabama Institute for Deaf and Blind and the Alabama's senior universities reimburse its employees for mileage when said employees are required to travel as a part of their job assignment.

Committee on Finance and Taxation.

By Mr. Waldrop:

S. 387. To amend Act No. 253, Special Session 1966 which exempts from civil liability certain persons who render emergency care at the scene of an accident, casualty or disaster, to read as follows:

Committee on Judiciary.

By Mr. Baker:

S. 388. To amend Act No. 1276, 1973 Regular Session, to provide that coordinators and directors of federal programs incident to education shall be covered under the Alabama Teacher Tenure Law.

Committee on Education.

By Messrs. Baker and McDonald (S):

S. 389. To authorize the State Department of Education to contract with Management Services Associates, Inc., of Austin, Texas, to conduct an independent study of services to the blind in Alabama; and to make a supplemental appropriation, in an amount not to exceed \$30,000.00 out of the Alabama Special Education Trust Fund to cover the cost of such study, to the State Department of Education for the current fiscal year.

Committee on Finance and Taxation.

By Mr. Baker:

S. 390. To provide for the regulation and control of state-owned aircraft for official use by state officers and employees; to provide for a state aircraft transportation pool under the administration of a merit system employee, known as the chief pilot, who shall be responsible for the administration of all personnel assigned to such pool and for the maintenance of all aircraft therein; to establish a revolving fund for such pool and make appropriation from the general fund therefor; to provide for the administration and enforcement of this Act and to prescribe penalties for violations; to ratify all acts of the Governor and finance director in establishing such pool and to validate the transfer of funds allocated to state departments for acquisitions of aircraft to the finance department for the establishment of such pool.

Committee on Finance and Taxation.

By Mr. King:

S. 391. To reestablish, with additional duties, the Alabama Constitutional Commission conditionally upon the call of a constitutional convention within two years after the effective date hereof; to recreate the constitutional commission fund in the state treasury; and to make a conditional appropriation.

Committee on Finance and Taxation.

By Messrs. Pearson and Perloff:

S. 392. To make child abuse a criminal offense; to define the offense of child abuse; and to prescribe the penalty to be imposed on any person found guilty of such offense.

Committee on Judiciary.

By Messrs. Pearson and Clemon:

S. 393. To amend further Section 666, Title 7, Code of Alabama 1940, as recompiled 1958, relating to exemption of wages or salary from estate of a deceased employee so as to increase the amount of such exemption.

Committee on Judiciary.

By Messrs. Pearson and Clemon:

S. 394. Relating to the appointment of a curator of the property of persons residing in this state who shall become physically incapacitated, feeble-minded or epileptic, or so mentally or physically defective by reason of age, sickness, the use of drugs, excessive use of alcohol or other causes, and authorizing such curator to take charge of, manage and conserve the property of such person and relating to the effect of the appointment of a curator as to any such person.

Committee on Judiciary.

By Messrs. Pearson and Clemon:

S. 395. To amend Section 665, Title 7, Code of Alabama 1940, as recompiled 1958, relating to exemption of personal property from estate of a deceased so as to increase the amount of such exemption and provide that it shall be in favor of a surviving spouse and minor child or children or either.

Committee on Judiciary.

By Messrs. Clemon and Pearson:

S. 396. To exempt all county and municipal retirement plans and any benefits thereunder from any state or municipal tax.

Committee on Finance and Taxation.

By Mr. Vacca:

S. 397. To amend the title and Sections 2 and 3 of Act No. 801, 1951 Regular Session, (being Title 36, Section 89(1), Code of Alabama 1940, Recomp. 1958), entitled "To define a 'Motor Bus' and to provide a maximum permissible length for any motor bus driven or operated upon the highways of Alabama and to repeal all laws in conflict herewith," so as to further provide for a maximum permissible width for any motor bus driven or operated upon the highways of Alabama.

Committee on Commerce, Transportation,  
and Utilities.

By Mr. Gilmore:

S. 398. To authorize the collection by certain state officers of blood or urine samples from the bodies of persons who die under certain circumstances; and to relieve the officer of any civil liability which might be incurred by such collection.

Committee on Judiciary.

By Mr. Shelby:

S. 399. To provide a form of municipal government to be known as the mayor-council form of government, which may be adopted by any city in the State of Alabama having a population of not less than 60,000 nor more than 125,000 according to the last or any succeeding federal or municipal census; to provide the method by which any such city may adopt the mayor-council form of government; to provide for the calling and holding of elections to vote thereon; to define and provide the legal status, form of government and powers of any such city under the mayor-council form of government; to provide as the governing body of such city a city council; to provide for the number of members of the council, their election and terms of office; to provide the functions, duties, powers and authority of the city council; to provide for the election, appointment or designation of officers and employees of the city and for their qualifications, duties, functions, powers and authority; to provide for the election, term, qualifications and compensation of a mayor and for the filling of vacancies in the office of mayor and to provide the duties and authority of the mayor; to provide for the control of the finances of such city; to provide for an annual budget, its preparation, submission, and adoption and the effect thereof; to create and define the powers, functions, duties and authority of the department of finance and the director of the department of finance; to regulate purchases and contracts of such city; to provide for the terms and effects of succession in government of any city adopting the mayor-council form of government; to make various other provisions for any such city which adopts the mayor-council form of government and for the government thereof; and to provide for the means of abandoning the mayor-council form of government and the adoption by the city of other forms of municipal government in lieu thereof.

Committee on Finance and Taxation.

By Messrs. Teague and Gilmore:

S. 400. To further amend Section 11 of Act No. 492, General Acts of Alabama, Regular Session 1947; to provide that a non-resident contractor shall satisfy the Highway Department that it has paid all taxes due and payable to the State of Alabama or any political subdivision thereof prior to receiving final payment for contract work.

Committee on Finance and Taxation.

By Messrs. Teague and Gilmore:

S. 401. To amend further Title 51, Section 21, Code of Alabama 1940, so as to provide a definition for heavy duty equipment and to provide that a tax lien shall attach to all heavy duty equipment brought into or situated in this state at any time of the year and to provide for the payment of an ad valorem tax to be computed on a quarterly basis on said equipment.

Committee on Finance and Taxation.

By Mr. Little:

S. 402. To appropriate \$225,000.00 from the Alabama Special Education Trust Fund in the state treasury to Alexander City State Junior College for the current fiscal year for the operation of a penal education program.

Committee on Finance and Taxation.



By Mr. Little:

S. 403. To require city and county boards of education, the State Board of Education, the Department of Youth Services, the Alabama Institute for Deaf & Blind and the governing boards of Alabama's public senior universities to provide personal liability insurance for bus drivers or any employee required to transport pupils or perform maintenance services for the employing board.

Committee on Education.

By Messrs. Perry and McMillan:

S. 404. To amend Title 15, Section 44 of the Code of Alabama, 1940, (recompiled 1958) so as to increase the amount that can be offered as a reward and also specify the crimes for which the reward can be offered.

Committee on Judiciary.

By Messrs. McMillan and Perry:

S. 405. To provide that the use of a firearm or destructive device to commit any felony, or to unlawfully carry a firearm during the commission of any felony is in violation of State law and unlawful; to prescribe for punishment in addition to the punishment provided for the commission of the felony; to prescribe mandatory sentencing upon a second or subsequent conviction, and to proscribe terms therefor from running concurrently; and to repeal all conflicting statutes.

Committee on Judiciary.

By Messrs. Mitchell and Powell (with notice and proof):

S. 406. Relating to Crenshaw county; to provide that the sheriff shall be entitled to the allowance payable by the state for feeding prisoners; to provide that the provisions of this act shall be retroactive.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 406, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Messrs. Mitchell & Powell (with notice and proof):

S. 407. Relating to Crenshaw County; further implementing Section 9 of Act No. 160, H. 59 of the 1971 Second Special Session (Acts 1971, p. 4404), relating to statewide property reappraisal; authorizing the Crenshaw County Commission to employ appraisers, mappers, and clerical personnel to maintain current evaluation of all real property and the evaluation of personal property.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 407, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Messrs. Mitchell and Powell (with notice and proof):

S. 408. Relating to Crenshaw County; to provide for the employment of clerks, secretaries, and clerical assistants to perform duties in the Office of the Judge of Probate and in the Office of the Sheriff of Crenshaw County; to provide for the salaries of all such employees; and to authorize the Crenshaw County Commission or other like governing body to pay salaries or any portion thereof of existing and future clerks, secretaries and clerical assistants employed by the Judge of Probate and the Sheriff and who are performing duties in such respective offices.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 408, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Mitchell:

S. 409. To amend further Section 94 of Title 51 of the Code of Alabama 1940, as amended, relating to the term of service and compensation of the members of the boards of equalization in the several counties, so as to change the year basis for determining the term of service and compensation of said members and to increase the compensation and further regulate the working period of members of certain boards of equalization.

Committee on Finance and Taxation.

By Messrs. Mitchell and Adams:

S. 410. To make an appropriation from the State General Fund to the Alabama Travel Council for the remainder of the fiscal year ending September 30, 1977.

Committee on Finance and Taxation.

By Mr. Powell:

S. 411. To provide for a collective bargaining procedure to settle all employment problems for all firefighters employed by municipalities having a population of not less than 100,000 inhabitants nor more than 135,000 inhabitants according to the most recent federal decennial census; to provide definitions for terms used in this Act.

Committee on Local Legislation No. 1.

By Mr. Powell:

S. 412. To propose an amendment to the Constitution empowering the legislature to enact legislation providing for registration of electors by mail.

Committee on Constitution and Elections.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Powell:

S. 413. To require that policies, contracts or certificates of group, individual, or blanket hospital or medical expense insurance issued, renewed, amended, or issued for delivery in this State which includes mental health services in the terms of the policies, contracts, or certificates shall include reimbursement for services rendered by a duly licensed psychologist of this State notwithstanding any provisions of the policies, contracts or certificates to the contrary.

Committee on Health and Welfare.

By Mr. Shelby:

S. 414. To further amend Section 98 of Title 11, Code of Alabama of 1940, as amended, which provides for jurors' compensation, so as to increase their pay from ten dollars (\$10.00) to twenty dollars (\$20.00) per day.

Committee on Finance and Taxation.

By Mr. Bank:

S. 415. To provide for the payment of tuition and the cost of textbooks for an undergraduate student in a state college, junior college, or university, who is the child of a law enforcement officer or fire fighter killed in line of duty; to create a Tuition Eligibility Board to administer the provisions of the Act, and to prescribe its composition, duties and responsibilities; to appropriate necessary funds from the Special Education Trust Fund.

Committee on Finance and Taxation.

By Mr. Bank:

S. 416. Relating to hospitalization of mentally ill persons; defining terms; providing for specified civil, legal and treatment rights of patients; prescribing the duties and responsibilities of persons and agencies concerned with the admission and treatment of mentally ill persons; prescribing the quality of care and treatment of patients; and repealing conflicting laws.

Committee on Health and Welfare.

By Mr. Bank:

S. 417. To amend Sections 7, 8 and 10 of Act No. 1226, 1975 Regular Session, (Acts of 1975, p. 2562) entitled "An Act Relating to the commitment of mentally ill persons to the custody of the State Department of Mental Health; prescribing the procedures for the involuntary commitment of mentally ill persons, prescribing the duties and responsibilities of all persons and departments concerned with the commitment of mentally ill persons; providing for the rights of persons sought to be committed as mentally ill; providing for the payment of costs of proceedings for the commitment of mentally ill persons; providing for appeal to circuit court by persons committed as mentally ill; prescribing the jurisdiction of the probate court in regard to persons committed as mentally ill; providing for the transfer of mentally ill persons to facilities operated by the United States; and repealing conflicting laws, "so as to further provide for notice to the Department of Mental Health and

obligatory acceptance of persons committed; to provide probable cause hearings shall be included as hearings conducted by the probate judge in relation to a petition to commit any person to the custody of the State Department of Mental Health, with the same rules applying in such hearings; to provide that evidence required for commitment to be clear, unequivocal and convincing; to provide that commitment be the least restrictive alternative necessary and available for treatment of the person's mental illness. It provides that if treatment for the individual's mental illness becomes available, it should be made available to him immediately.

Committee on Health and Welfare.

By Messrs. Mims, Little, Teague, Powell, Littleton, Perry, Adams and McDonald (A):

S. 418. To appropriate the supplemental sum of \$400,000 for the current fiscal year from the Alabama Special Education Trust Fund to Auburn University for the purpose of renovating and remodelling the Livestock Judging Arena at Auburn University.

Committee on Finance and Taxation.

By Mr. Mims:

S. 419. To amend Section 65 of Title 46 of the Code of Alabama 1940, relating to the licensing of general contractors.

Committee on Commerce, Transportation,  
and Utilities.

By Mr. Mims:

S. 420. To authorize the Pesticide Residue Laboratory heretofore established by the Department of Agriculture and Industries at Auburn University pursuant to Act No. 132, H. 105, Legislature of 1965, 2nd Spec. Sess. (Acts of 1965, 2nd and 3rd Spec. Sess., p. 185), as amended by Act No. 399, H. 126, Legislature of 1966, Spec. Sess. (Acts of 1966, Spec. Sess., p. 538); to conduct analytical work for harmful drug residues; and to make an appropriation from the State Treasury for the fiscal year ending September 30, 1977 for the performance of such additional duties.

Committee on Finance and Taxation.

By Mr. St. John:

S. 421. To provide for the distribution of the 1975 Code of Alabama, editions, or portions thereof; to provide for the conservation of the sets distributed; to authorize the sale thereof by the publisher; and to provide an appropriation for the distribution of said code.

Committee on Judiciary.

By Messrs. Owen, Peden, Bank and Teague:

S. 422. To authorize the Governor, by Executive Order, to freeze at the present level or to roll back to any level existing at any time during the six month period immediately preceding said Executive Order, any utility rate or rates established by the Alabama Public Service Commission for a period of up to one year.

Committee on Commerce, Transportation,  
and Utilities.

By Mr. Owen:

S. 423. To make appropriations to the Alabama Forestry Commission for construction of an automotive maintenance and repair shop, mechanics salaries, and equipment and parts for such shop.

Committee on Finance and Taxation.

By Mr. Owen:

S. 424. To amend further Act No. 533, Acts of Alabama, 1957 Regular Session, Page 750, entitled "An Act To Create a Board to be known as the State Board of Registration for Foresters; to provide for the qualification of members of said Board; to provide for the appointment of the members of said Board; to provide for their terms of office; to provide for the organization of said Board; to provide for the powers and duties of said Board; to provide for the registration of Foresters; to provide for the recording of licenses; to provide for the definition of the practice of Forestry; to provide for the revocation of licenses; to provide for fees for the issuance and recording of such licenses; to provide for reciprocity; to create a special fund to be known as the "Professional Foresters Fund," and to regulate expenditures therefrom; to repeal all laws in conflict with this Act; and to make an appropriation," as amended by Act No. 141, Acts of Alabama, 1961 Special Session, page 2082; by Act No. 1051, Acts of Alabama, 1969 Regular Session page 1965; and by Act No. 1202, S. 107, 1973 Regular Session (Acts of 1973, p. 2020); so as to provide for an increase in the registration fee for a license and the annual renewal fee for licenses.

Committee on Finance and Taxation.

By Mr. Owen:

S. 425. To amend further Act No. 533, Acts of Alabama, 1957 Regular Session, Page 750, entitled "An Act To Create a Board to be known as the State Board of Registration for Foresters".

Committee on Finance and Taxation.

By Messrs. Perloff, Owen, Noonan, Roberts, Teague, Wilson, Mims, Fine, Peden, Adams, Goodwin, Littleton, Gilmore, Miller, McDonald (S), Clemon, Pearson, Vacca and Mitchell:

S. 426. To make an appropriation for capital outlay purposes at the University of South Alabama at Mobile for the fiscal year ending September 30, 1977.

Committee on Finance and Taxation.

By Mr. Fine:

S. 427. To further authorize each District Attorney to employ assistants to be paid from funds appropriated or otherwise available for that purpose and to provide for the submission of a unified budget for the funding of the Office of District Attorney of the several Judicial Circuits.

Committee on Finance and Taxation.

By Mr. Teague:

S. 428. To amend further Section 3 of Act No. 47, H. 29, Regular Session 1951, (Acts of 1951, p. 259), as last amended, which relates to the

provision of educational benefits to certain disabled veterans; to dependents and survivors of disabled veterans; and to dependents and survivors of deceased servicemen or veterans so as to further regulate the granting of such benefits.

Committee on Finance and Taxation.

By Mr. Bank:

S. 429. To amend the title and Sections 1, 2, 3, 4, 5, 10 and 11 of Act No. 372, S. 362, Regular Session of 1976, requiring municipalities to provide civil service systems for their law enforcement officers so as to include firefighters under the provisions of said act.

Committee on Local Government.

By Mr. Fine:

S. 430. To require municipal corporations or any political subdivision of the State of Alabama to provide defense and indemnity for employees who may be sued for damages arising out of the performance of their official duties and while in the course of their employment, and to authorize the obtaining of liability insurance to cover such employees.

Committee on Local Government.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Messrs. Sonnier, Sandusky, Cooper, Kennedy, Buskey, Johnstone, Glass, McCulley, Callahan and McMillan:

H. J. R. 45. CONGRATULATING MISS DORIS BENDER UPON HER RETIREMENT FROM THE ALABAMA DEPARTMENT OF PENSIONS AND SECURITY AND AS DIRECTOR OF THE MOBILE COUNTY DEPARTMENT OF PENSIONS AND SECURITY.

Also:

By Messrs. Sonnier, Kennedy, Buskey, McMillan, Glass, McCulley, Sandusky and Callahan:

H. J. R. 46. CONGRATULATING SHERIFF TOM PURVIS FOR CREATING AND DEVELOPING THE MOBILE COUNTY SHERIFF'S DEPARTMENT'S JUNIOR DEPUTY PROGRAM.

Also:

By Messrs. McCorquodale, Dial, Mitchem, Quarles, McCluskey, Callahan, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNair, McNees, Manley,

Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt:

H. J. R. 47. REGRETTING THE ILLNESS OF MRS. JEAN BRANDLI.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Mr. Noonan, the rules were suspended and the Resolutions, H. J. R.'s 45 and 46, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

On motion of Mr. Edwards, the Rules were suspended and the Resolution, H. J. R. 47, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Campbell:

H. J. R. 33. REJECTING THE REPORT OF THE STATE JUDICIAL COMPENSATION COMMITTEE FOR SALARIES AND EXPENSE ALLOWANCES FOR THE JUDICIARY SUBMITTED FEBRUARY 1, 1977.

WHEREAS, the Judicial Compensation Committee has submitted its recommendations to the Alabama Legislature for the salaries and expense allowances for the judiciary as provided by Section 6.09, subsection (d) of Act No. 1051, S. 214 of the 1973 Regular Session; and

WHEREAS, the recommendations submitted by the committee are beyond the fiscal means of the state treasury; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do reject the report and recommendations of the State Judicial Compensation Committee for salaries and allowances for the judiciary.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to all members of the Judicial Compensation Committee.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The Resolution, H. J. R. 33, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Lutz:

**H. J. R. 24. CREATING COMMITTEE TO STUDY THE 1976 TAX REFORM ACT.**

WHEREAS, Congress, by the passage of the Tax Reform Act of 1976, has enacted sweeping changes in the federal laws pertaining to taxes on decedents' estates; and

WHEREAS, some of these changes will have an effect on the estate plans of many Alabama residents as well as on revenues of the State of Alabama; and

WHEREAS, it is desirable and necessary for the Legislature to be informed about the effect of the 1976 Tax Reform Act on the laws of the State of Alabama;

NOW, THEREFORE, BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That a committee to be known as the Committee to Study the 1976 Tax Reform Act is hereby created. Said committee shall be composed of three house members to be appointed by the Speaker of the House and three senate members to be appointed by the Presiding Officer of the Senate. Said committee shall select its own chairman. The committee shall meet initially at the call of the chairman and thereafter as determined by the committee.

BE IT FURTHER RESOLVED That the committee shall study the impact of the Tax Reform Act of 1976 on the laws of the State of Alabama particularly as it relates to estates of decedents, administration of estates, estate planning and state revenue and shall report its findings and recommendations to the Legislature no later than the twentieth legislative day of the 1977 Regular Session.

The members of the committee hereby created shall receive no compensation other than their regular legislative pay and allowances. The Clerk of the House shall make available to the Committee a clerk to meet with the committee and record its proceedings. The committee shall be authorized to expend a sum not to exceed \$1,000 to employ a technical consultant and for other ordinary and necessary expenses. Whenever possible the committee shall utilize the resources of the Legislative Reference Service in drafting legislation recommended by the committee.

The committee shall be dissolved upon the final adjournment of the 1977 Regular Session of the Legislature.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The Resolution, H. J. R. 24, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.



## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Gafford:

H. J. R. 18. CREATING A CONTINUING JOINT LEGISLATIVE COMMITTEE TO STUDY THE VARIOUS STATE DEPARTMENTS AND RELATED AGENCIES THEREOF.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a continuing Joint Governmental Study Committee. The committee shall be composed of three members of the House of Representatives and two members of the Senate to be appointed by the Speaker of the House and the President of the Senate, respectively. The committee shall meet at the call of the Speaker of the House as soon as practicable following the adoption of this resolution in order to select a chairman and vice-chairman from the membership. The committee shall meet thereafter at the call of the chairman.

It shall be the duty of the committee to study the various state departments and related agencies thereof; and to make periodic recommendations to the legislature as to legislation which is needed to assure the efficient and economical operations of state government. The committee may enlist the help of the Legislative Fiscal Office, Legislative Reference Service, and the Examiners of Public Accounts. All state officers and department heads shall cooperate with the committee in its work.

The study committee shall have authority to employ secretarial assistants and research assistants. The members of the committee shall receive the same pay, per diem and travel expenses that are received when the legislature is in session, and in addition shall be entitled to actual mileage payment at the rate state employees are reimbursed. The expenses of the study committee shall be paid out of monies appropriated to the use of the legislature.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The Resolution, H. J. R. 18, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Mr. Dial:

H. J. R. 15. COMMENDING MR. S. O. HIGGINS BY HAVING THE LECTURE ROOM OF SOUTHERN UNION STATE JUNIOR COLLEGE NAMED IN HIS HONOR.

Also:

By Mr. Dial:

H. J. R. 16. COMMENDING WILLIAM "BILL" YOUNG FOR HIS OUTSTANDING SERVICE TO CLEBURNE COUNTY AS PROBATE JUDGE.

Also:

By Mr. Dial:

H. J. R. 17. COMMENDING WHITE PLAINS HIGH SCHOOL OF OXFORD, ALABAMA, FOR THEIR OUTSTANDING 1976 FOOTBALL SEASON.

Also:

By Mr. McCluskey:

H. J. R. 19. COMMENDING MISS JOY PAYNE FOR BEING CHOSEN ALABAMA TEXTILE QUEEN.

Also:

By Mr. McCluskey:

H. J. R. 20. COMMENDING MRS. FRANCES CONN, SYLACAUGA EXCHANGE CLUB'S "WOMAN OF THE YEAR".

Also:

By Mr. McCluskey:

H. J. R. 21. HONORING JUDGE G. KYSER LEONARD OF TALLADEGA ON HIS RETIREMENT.

Also:

By Mr. Merrill:

H. J. R. 23. COMMENDING DR. PHILIP E. LAMOREAUX FOR HIS MANY OUTSTANDING ACCOMPLISHMENTS DURING 16 YEARS AS STATE GEOLOGIST AND SUPERVISOR FOR THE OIL AND GAS BOARD.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolutions, H. J. R.'s 15, 16, 17, 19, and 20, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

The Resolution, H. J. R. 21, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

On motion of Mr. Shelby, the Rules were suspended and the Resolution, H. J. R. 23, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the Following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Mr. Turnham:

H. J. R. 34. MOURNING THE TRAGIC DEATH OF CURT EDDENS.

Also:

By Mr. Turnham:

H. J. R. 35. MOURNING THE TRAGIC DEATH OF ROGER BROOKSHIRE.

Also:

By Messrs. Venable and Plaster:

H. J. R. 36. DESIGNATING THE NINTH ANNUAL MILLBROOK FESTIVAL, TO BE HELD MAY 21, 1977, THE OFFICIAL MONTGOMERY AREA ARMED FORCES DAY CELEBRATION.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolutions, H. J. R.'s 34, 35, and 36, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Messrs. Falkenburg and Drake:

H. J. R. 12. COMMENDING DR. S. RICHARDSON HILL, JR., UPON BEING NAMED PRESIDENT OF THE UNIVERSITY OF ALABAMA IN BIRMINGHAM.

Also:

By Mr. Holmes (A):

H. J. R. 13. COMMENDING DR. M. C. CLEVELAND, SR., FOR HIS MANY ENDEAVORS AND ACCOMPLISHMENTS IN RELIGIOUS AND EDUCATIONAL FIELDS.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolutions, H. J. R.'s 12 and 13, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

## MOTIONS IN WRITING

Mr. Littleton offered the following Motion in Writing, to-wit:

## MOTION IN WRITING

Notice in writing having been given on the previous legislative day, I hereby move to amend Senate Rule 10 as follows:

“RULE 10. No bills other than advertised local bills or general bills with local application shall be introduced in the Senate during a regular session after the Senate adjourns on the 24th legislative day.”

Which was read and referred to the Standing Committee on Rules.

Mr. Littleton then offered the following Motion in Writing, to-wit:

## MOTION IN WRITING

Notice in writing having been given on the previous legislative day, I hereby move to amend Senate Rule 35 to read as follows:

“RULE 35. During a regular session, no bill that has originated in the Senate shall be sent to the House of Representatives for its first reading in the House after the Senate adjourns on the 26th legislative day.”

Which was read and referred to the Standing Committee on Rules.

Mr. Littleton then offered the following Motion in Writing, to-wit:

## MOTION IN WRITING

Notice in writing having been given on the previous legislative day, I hereby move to amend the Senate Rules by deleting Senate Rule 42 in its entirety and renumbering the remaining rules.

Which was read and referred to the Standing Committee on Rules.

Mr. Littleton then offered the following Motion in Writing, to-wit:

## MOTION IN WRITING

Notice in writing having been given on the previous legislative day, I hereby move to amend Senate Rule 50(2) as follows:

“50(2) Rules, which committee shall have supervision over the Revision of the Journal, Enrolled Bills, and Engrossed Bills. In addition, the Committee on Rules shall consider and report on matters required by the rules of the Senate, as follows: Motions or resolutions to set aside a regular order of business (Rule 8); motions or resolutions for a special order (Rule 13); special rules that debate on a pending measure shall cease at a certain hour and a vote be taken on the measure (Rule 20); executive nominations and appointments and executive amendments and vetoes (Rule 33); propositions to suspend, modify, or amend any rule or any part

thereof (Rule 36); all resolutions that may be referred to it (Rule 55); after the 26th legislative day, to act upon bills that originate in the Senate (Rule 58); after the 28th legislative day, to act upon bills that originate in the House of Representatives (Rule 59). Also, the Committee on Rules shall render advisory opinions to any lobbyist who seeks advice about the rules relating to lobbying, and the committee shall make recommendations regarding the imposition of penalties prescribed for violations of the rules relating to lobbying (Rule 82 and Rule 84). The Committee on Rules shall consist of seven (7) members."

Which was read and referred to the Standing Committee on Rules.

Mr. Littleton then offered the following Motion in Writing, to-wit:

#### MOTION IN WRITING

Notice in writing having been given on the previous legislative day, I hereby move to amend Senate Rule 58 as follows:

"RULE 58. After the Senate adjourns following the 26th legislative day, no standing committee of the Senate, other than the Committee on Rules, shall act upon any bill that originated in the Senate."

Which was read and referred to the Standing Committee on Rules.

Mr. Littleton then offered the following Motion in Writing, to-wit:

#### MOTION IN WRITING

Notice in writing having been given on the previous legislative day, I hereby move to amend Senate Rule 59 to read as follows:

"RULE 59. After the Senate adjourns after the end of the 28th legislative day, no standing committee of the Senate, other than the Committee on Rules, shall act upon any bill that originated in the House of Representatives."

Which was read and referred to the Standing Committee on Rules.

#### RESOLUTIONS

Mr. Littleton offered the following Senate Joint Resolution, to-wit:

S. J. R. 234. AMENDING JOINT RULE 3.

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That Joint Rule 3 of the "Joint Rules of the Two Houses of the Legislature of Alabama" be amended to read as follows:

"3. No local or special bill shall be introduced into either house unless the member who introduces it discloses at the time the fact that the notice required by the Constitution and laws has been given, and submits an exact copy of notice and proof thereof with the bill."

Which was read and referred to the Standing Committee on Rules.

Mr. Edwards offered the following Senate Joint Resolution, to-wit:

S. J. R. 235. COMMENDING AND PRAISING JERRY BOYD, TERRY SPAIN, BEVERLY BASHAM AND JIM RANKIN.

WHEREAS, The Legislature of Alabama has noted the heroism of Jerry Boyd and Terry Spain, and the quick lifesaving actions of Beverly Basham and Jim Rankin, all of Decatur, in saving the life of James F. Torbett on November 8, 1976; and

WHEREAS, Jerry Boyd and Terry Spain, two courageous young men who, without regard for, and at great risk to their own personal safety, did fearlessly brave the treacherous currents of the Tennessee River to rescue James F. Torbett from his sinking car after it plunged into the icy waters; and

WHEREAS, Beverly Basham and Jim Rankin, with quick and unselfish response, assisted in the rescue efforts by helping Boyd take the victim to the hospital, while Spain reported the accident to lawmen; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do highly praise the quick-thinking and immediate actions and the unsurpassed courage of Jerry Boyd, Terry Spain, Beverly Basham and Jim Rankin.

BE IT RESOLVED FURTHER, That copies of this resolution be sent to each of the above named rescuers as a token of our admiration and profound esteem.

On motion of Mr. Edwards, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Edwards offered the following Senate Joint Resolution, to-wit:

S. J. R. 236. COMMENDING AND PRAISING JIM ROMBOKAS AND GARY WHITLOW FOR BRAVERY.

WHEREAS, The Legislature of the State of Alabama has learned of the courage displayed by Jim Rombokas and Gary Whitlow of Caddo in rescuing Mrs. Twilah West from the icy waters of the Tennessee River after her sinking car plunged from a bridge; and

WHEREAS, these two courageous men, at great peril to their own lives, did unhesitantly risk death to save the life of another; and

WHEREAS, we do feel the need of recognizing that, all too often, these are times of unconcern for one's fellowman, and such valor displayed by Jim Rombokas and Gary Whitlow is regrettably all too rare; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That with high praise, laud and honor, we commend the courageous actions of Jim Rombokas and Gary Whitlow, and direct that copies of this resolution be sent to them that they may know of our high esteem.

On motion of Mr. Edwards, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Baker offered the following Senate Joint Resolution, to-wit:

S. J. R. 237. REQUESTING ALL STATE AGENCIES, COLLEGES AND UNIVERSITIES TO REMOVE THE NAMES OF STATE LEGISLATORS FROM THEIR MASS MAILING LISTS.

WHEREAS, the members of the Alabama Legislature have been deluged with printed matter and mailings from state agencies, colleges and universities; and

WHEREAS, the materials and mailings often are not only inconsequential but are a hindrance to the tasks the legislators must perform; and

WHEREAS, the time, energy, personnel and postage of these indiscriminate mailings increase the operating overhead of the respective state agencies, colleges and universities, thus resulting in a substantial cost to the taxpayers of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we request all state agencies, colleges and universities to remove forthwith the names of all members of the legislature from any and all master or mass mailing and printing lists unless the individual member shall request otherwise.

BE IT FURTHER RESOLVED, That all state agencies, colleges and universities shall notify the members of the legislature by letter of any matters of particular significance or importance.

RESOLVED FURTHER, That the Secretary of the Senate shall mail copies of this resolution to all state agencies, colleges and universities.

Which was read and referred to the Standing Committee on Rules.

### BILLS ON THIRD READING

The Bill:

S. 155. To provide for a supplemental appropriation of \$3,000,000.00 from the state general fund, to be administered by the Board of Corrections, for the reimbursement of the various counties for expenses incurred by such counties for the housing and confinement of state prisoners in county jails pursuant to the United States District Court Order, Middle and Southern Districts, issued August 29, 1975; and to authorize the Board of Corrections to adopt administrative procedures for the reimbursement of said county expenses.

was taken up.

Mr. Owen offered the following substitute for the Bill, S. B. 155, to-wit:

### SUBSTITUTE FOR S. B. 155

#### A BILL TO BE ENTITLED AN ACT

To provide that the State of Alabama shall reimburse from amounts appropriated herein the counties of Alabama for expenses incurred in the housing, clothing, guarding, incidental and medical care of state prisoners incarcerated in county jails. To provide a supplemental appropriation of \$3,000,000.00 from the state general fund for the reimbursement of counties for such expenses and to authorize the State Board of Corrections to adopt administrative procedures for the reimbursement of such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to food allowance already required by law, the State of Alabama shall reimburse from funds appropriated herein the governing body of each county in this state for the housing, clothing, guarding, incidental and medical care of each prisoner sentenced to the state prison system, remaining incarcerated in the county jail beyond two weeks from the date of sentencing.

Section 2. As a first charge against funds appropriated under provisions of this act, the state shall reimburse from said funds each governing body for the actual medical cost (including dental expenses) incurred in connection with the incarceration of state prisoners in the county jail beyond two weeks from the date of sentencing. From funds remaining in said appropriation, the state shall reimburse to the counties for housing, clothing, guarding and incidental care of such state prisoners for each day such prisoner remains incarcerated in the county jail beyond two weeks (14 days) from the date of sentencing at the rate of \$2.25 per day per prisoner or such proportionate amount of \$2.25 as shall be available in said fund at the time reimbursement is made.

Section 3. The provisions of this act shall be retroactive to August 29, 1975 and shall include all expenses qualifying under provisions of this act as of that date.

Section 4. Each county qualifying under provisions of this act for reimbursement shall submit a claim to the State Board of Corrections on such form and in such manner as may be prescribed by the Board of Corrections within 90 days of the passage of this act. Such claim shall include reimbursement from August 29, 1975 to and including January 31, 1977.

Section 5. Should any funds remain from the amount appropriated under provisions of this act after the first reimbursement to all counties such fund shall thereafter be distributed quarterly to counties qualifying for reimbursement on claims submitted in such manner and in such form as the State Board of Corrections may thereafter require.

Section 6. There is hereby appropriated and provided a supplemental appropriation from the state general fund of \$3,000,000.00 which shall be earmarked for use by the Board of Corrections of the State of Alabama exclusively for the purposes provided for in the provisions of this act.

Section 7. The provisions of this act are severable if any part of this act is declared invalid or unconstitutional such declaration shall not effect the part which remains.

Section 8. All laws or parts of laws which conflict with this act are hereby repealed.

Section 9. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 29; Nays 0.



*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Gilmore, Goodwin, King, Little, Littleton, McDonald (S), Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Roberts, St. John, Stewart, Teague, Vacca, Waldrop, Wilson.

—29

*Nays:*

—0

Mr. Baker moved that further consideration of the Bill, S. B. 155, be postponed until the next Legislative Day.

On motion of Mr. Owen, the motion to postpone was laid on the table.

Yeas 23; Nays 7.

*Yeas:*

Messrs. Adams, Bank, Clemon, Fine, Gilmore, Goodwin, King, Littleton, McDonald (A), Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Powell, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—23

*Nays:*

Messrs. Baker, Edwards, Little, McDonald (S), Miller, Roberts, St. John.

—7

And said Bill, S. B. 155, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 31; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Gilmore, Goodwin, King, Little, Littleton, McDonald (A), McDonald (S), Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—31

*Nays:*

—0

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 2. Appointing a committee to notify the Governor that the Legislature is in session and ready for the transaction of business.

Also:

H. J. R. 3. Relative to a joint session for the purpose of hearing the message of the Honorable George C. Wallace, Governor of Alabama.

Also:

H. J. R. 6. Commending and thanking Colonel E. C. Dothard and the Alabama State Troopers for their work during the recent snow and sub-freezing weather.

Also:

H. J. R. 7. Commending and thanking the Montgomery Police Department and road crews for their work during the recent snow and sub-freezing weather.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Manley, Armstrong, McCluskey, Clark and Harris:

H. 100. To adopt a Code of laws for the State of Alabama.

Also:

By Messrs. Manley, Armstrong, McCluskey, Clark and Harris:

H. 101. To create the Alabama Code Commission and to provide for continuing Code Revision.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 100 and 101. To the Committee on Judiciary.

### MOTION TO ADJOURN LOST

At 3:50 P.M., Mr. McDonald (A) moved that the Senate adjourn until Thursday, February 10, 1977, at 11:00 A.M., which motion was lost.

Yeas 13; Nays 15.

*Yeas:*

Messrs. Adams, Baker, Clemon, Edwards, Fine, McDonald (A), McDonald (S), Mitchell, Peden, Perloff, Powell, Shelby, Stewart.

—13

*Nays:*

Messrs. Bank, Gilmore, Goodwin, King, Little, Miller, Mims, Noonan, Owen, Perry, Roberts, St. John, Teague, Vacca, Wilson.

—15

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Manley and Johnstone:

H. 103. To further amend Section 847 of Title 51 of the Code of Alabama 1940 as heretofore amended by extending each of the time limits set out in said Section 847 by an additional ten days.

Also:

By Messrs. Manley and Johnstone:

H. 104. To further amend Section 712 of Title 51 of the Code of Alabama 1940 as heretofore amended so as to extend by ten days the time allowable for disbursing the money the probate judge receives in respect of motor vehicle licenses and registration fees and to extend by ten days the time allowable to the probate judge for forwarding to the Comptroller and the Department of Revenue a certified list of all motor vehicle licenses issued by the probate judge during the preceding month.

Also:

By Mr. Manley:

H. 106. To amend Section 5 and 19 of Act 765, Regular Session, 1973 Alabama Legislature, to remove the requirement of a copy of each security interest document when perfecting a security interest in a vehicle of a type which a certificate of title is required; and for related purposes; and to set an effective date.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 103 and 104. To the Committee on Local Government.

H. B. 106. To the Committee on Banking.

## ADJOURNMENT

At 3:55 P.M., on motion of Mr. Waldrop, the Senate adjourned until Thursday, February 10, 1977, at 11:15 o'clock A.M.

## FOURTH LEGISLATIVE DAY

THURSDAY, FEBRUARY 10, 1977

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

## PRAYER

The Session was opened with prayer by the Reverend Steven D. Rice, Pastor, Saint Paul Lutheran Church, Montgomery, Alabama.

## ROLL CALL

Present:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Gilmore, Goodwin, King, Little, Littleton, McDonald (A), McDonald (S), Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Wilson.

— 30

On motion of Mr. Baker, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Third Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

OBIE J. LITTLETON,  
Acting Chairman.

## COMMITTEE REPORT

On motion of Mr. Littleton, the foregoing report was concurred in and the Journal of the Senate for the Third Legislative Day was approved by the Senate.

## LEAVE OF ABSENCE

On motion of Mr. Baker, leave of absence was granted Messrs. Ellis, Jones, McMillan, and Waldrop for today.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 15. COMMENDING MR. S. O. HIGGINS BY HAVING THE LECTURE ROOM OF SOUTHERN UNION STATE JUNIOR COLLEGE NAMED IN HIS HONOR.

Also:

H. J. R. 16. COMMENDING WILLIAM "BILL" YOUNG FOR HIS OUTSTANDING SERVICE TO CLEBURNE COUNTY AS PROBATE JUDGE.

Also:

H. J. R. 17. COMMENDING WHITE PLAINS HIGH SCHOOL OF OXFORD, ALABAMA, FOR THEIR OUTSTANDING 1976 FOOTBALL SEASON.

Also:

H. J. R. 19. COMMENDING MISS JOY PAYNE FOR BEING CHOSEN ALABAMA TEXTILE QUEEN.

Also:

H. J. R. 20. COMMENDING MRS. FRANCES CONN, SYLACAUGA EXCHANGE CLUB'S "WOMAN OF THE YEAR".

Also:

H. J. R. 23. COMMENDING DR. PHILIP E. LAMOREAUX FOR HIS MANY OUTSTANDING ACCOMPLISHMENTS DURING 16 YEARS AS STATE GEOLOGIST AND SUPERVISOR FOR THE OIL AND GAS BOARD.

Also:

H. J. R. 34. MOURNING THE TRAGIC DEATH OF CURT EDDENS.

Also:

H. J. R. 35. MOURNING THE TRAGIC DEATH OF ROGER BROOKSHIRE.

Also:

H. J. R. 36. DESIGNATING THE NINTH ANNUAL MILLBROOK FESTIVAL, TO BE HELD MAY 21, 1977, THE OFFICIAL MONTGOMERY AREA ARMED FORCES DAY CELEBRATION.

Also:

H. J. R. 45. CONGRATULATING MISS DORIS BENDER UPON HER RETIREMENT FROM THE ALABAMA DEPARTMENT OF PENSIONS AND SECURITY AND AS DIRECTOR OF THE MOBILE COUNTY DEPARTMENT OF PENSIONS AND SECURITY.

Also:

H. J. R. 46. CONGRATULATING SHERIFF TOM PURVIS FOR CREATING AND DEVELOPING THE MOBILE COUNTY SHERIFF'S DEPARTMENT JUNIOR DEPUTY PROGRAM.

Also:

H. J. R. 47. REGRETTING THE ILLNESS OF MRS. JEAN BRANDLI.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

### POINT OF PERSONAL PRIVILEGE

Mr. Gilmore stated that had Mr. McMillan, who is ill, been present when the Bill, S. B. 155, as amended, was passed on the Third Legislative Day, he would have voted "Aye".

### INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Peden:

S. 431. To authorize any city in the State of Alabama having a population of 34,000 or more according to the last or any subsequent federal census to plan, establish, develop, acquire, construct, enlarge, improve, maintain, equip, operate, regulate and protect any building, structure, land, right of way, equipment or instrumentality used or useful in connection with construction, equipping, development, maintenance or operation of any area or building for off-street parking of motor vehicles (defined as parking facilities), to finance the cost of parking facilities in whole or in part by the issuance of bonds, warrants, notes or other evidences of indebtedness and pledge to the payment thereof its full faith and credit and any tax, license or revenues which the city may then be authorized to pledge to the payment of bonded or other indebtedness; to lease or let parking facilities or any one or more of them to such tenant or tenants for such periods and for such compensation or rental and on such conditions as the governing body of the city may prescribe; to fix, establish, collect and alter parking fees, tolls, rents and other charges for the use of any parking facility; to make and enforce rules and regulations governing the use of any parking facilities owned or operated by the city and to execute such contracts and other instruments and to take such other action as the governing body of the city may deem necessary or convenient in connection with parking facilities.

Committee on Local Government.

By Mr. Jones:

S. 432. To provide salary increases for certain state employees; and to appropriate funds therefor.

Committee on Finance and Taxation.

By Mr. Clemon:

S. 433. Relating to the taxation of oil and gas; to amend Section 2 of Act No. 2, H. 47 of the 1945 Regular Session (Acts 1945, p. 20), as amended, which act relates to a privilege tax on the severance of oil or gas, and to amend Section 26 of Act No. 1, H. 46 of the 1945 Regular Session (Acts 1945, p. 1) which act pertains to tax on the gross value, at the point of production of crude petroleum oil or natural gas, so as to increase the percentage of both taxes; and to provide that such tax shall be distributed on a proportionate basis in the same manner as provided by law.

Committee on Finance and Taxation.

By Mr. Perry:

S. 434. To amend Section 2 of Act No. 700, Regular Session of the Legislature 1969, to authorize the members of the Prevailing Wage Commission to designate someone to represent them in hearings and to determine wages.

Committee on Business and Labor Relations.

By Mr. Perry:

S. 435. To amend Title 26, Section 3 of the Code of Alabama, 1940, as amended, so as to provide insurance coverage for employees of the Department of Industrial Relations which would pay benefits comparable to workmen's compensation in the event of death or injury incurred in the line and scope of employment; to eliminate subsections (2) and (3) which were repealed by Acts 1943, P. 259, approved June 29, 1943, and to renumber remaining subsections.

Committee on State Government.

By Mr. Perry:

S. 436. To amend Section 8, Title 26, Chapter 1, Code of Alabama 1940, as last amended, which relates to the Board of Appeals for the State of Alabama, Department of Industrial Relations.

Committee on State Government.

By Mr. Perry:

S. 437. To amend Act No. 1142, Regular Session of 1971 which relates to status as peace officers and police powers of certain employees of the Department of Industrial Relations.

Committee on State Government.

By Mr. Gilmore:

S. 438. To amend Title 52, Section 37, of the Code of 1940 (pertaining to the power of the State Board of Education and public corporations conducting state educational institutions to borrow money for certain purposes) so as to clarify the power of the Board and such

corporations to issue refunding securities to refund, in addition to principal and redemption premium, interest accrued or to accrue in the future on any securities to be refunded.

Committee on Judiciary.

By Mr. Shelby:

S. 439. To amend Act No. 1163, H. 1829, 1973 Regular Session (Acts 1973, p. 1948; now appearing in Code of Alabama, Recompiled 1958, Title 13, Sections 522-534) known as the judicial retirement act; to allow prior service credit to certain judicial officers.

Committee on Finance and Taxation.

By Messrs. Perry, McMillan and King:

S. 440. To define an habitual criminal; providing procedure to determine who is an habitual criminal; providing for the indictment, trial, imprisonment, probation, parole and punishment of habitual criminals; prescribing rules of evidence for the trial of habitual criminals; prescribing the powers and duties of courts and juries in the trials of habitual criminals; prescribing the procedure and the powers and duties of courts in appeals from convictions and sentences of habitual criminals; and prescribing the form of complaints, charges, and indictment against habitual criminals.

Committee on Judiciary.

By Mr. Perry:

S. 441. To provide that any person convicted of a felony involving bodily harm to another shall serve the sentence imposed without parole; and to repeal conflicting statutes.

Committee on Judiciary.

By Messrs. McMillan, Perry and King:

S. 442. To amend Title 14, Section 49, Code of Alabama 1940, as amended, to increase the punishment for conviction of the crime of blackmail from a misdemeanor to a felony, and providing punishment of from one to ten years imprisonment.

Committee on Judiciary.

By Messrs. Perry, McMillan and King:

S. 443. To amend Section 100 of Title 14, Code of Alabama (1940), relating to conspiracies to commit felonies, so as to increase the penalty therefor.

Committee on Judiciary.

By Messrs. Perry and McMillan:

S. 444. To amend Section 100 of Title 14, Code of Alabama (1940), relating to conspiracies to commit felonies, so as to increase the penalty therefor.

Committee on Judiciary.



By Messrs. Perry and McMillan:

S. 445. To require trial judges to charge the jury, in prosecutions for crimes for which the jury by law sets the punishment, as to when and how the defendant, if found guilty, might legally be granted parole, and to allow the prosecutor in such cases to argue the legal possibility of parole to the jury.

Committee on Judiciary.

By Messrs. King, McMillan and Perry:

S. 446. Proscribing the possession of specified contraband within the confines of correctional institutions, and providing for a further prohibition by institutional officials.

Committee on Judiciary.

By Messrs. Perry and McMillan:

S. 447. To prohibit threats against the person or property of another and to provide penalties therefor.

Committee on Judiciary.

By Messrs. McMillan and Perry:

S. 448. To provide for joinder of offenses and joinder of defendants in criminal indictments and for the joint trial of jointly indicated defendants, and to repeal Sections 249 and 319 of Title 15, Code of Alabama (1940).

Committee on Judiciary.

By Messrs. King, McMillan and Perry:

S. 449. To amend Title 15, Section 45, Code of Alabama, 1940 (Recompiled 1958) so as to increase the amount that can be offered as a reward for the rearrest or apprehension of certain specified individuals.

Committee on Judiciary.

By Mr. Perry:

S. 450. To provide that individuals who are charged and convicted of murder in the first degree, robbery, burglary, and rape and are subsequently sentenced to life imprisonment, shall not be eligible for parole; and to repeal conflicting statutes.

Committee on Judiciary.

By Mr. Teague:

S. 451. To amend the Code of Alabama 1940, Title 48, Section 431, relating to the duties of the superintendent of a railroad so as to require that all locomotives are operated on the right-hand side of the railroad line when leaving the initial home terminal and to provide penalties for violations.

Committee on Commerce, Transportation,  
and Utilities.

By Mr. Teague:

S. 452. To amend the Code of Alabama 1940, Title 48, Section 182, requiring locomotives operated in road service to be equipped with a revolving power headlight operated at all times.

Committee on Commerce, Transportation,  
and Utilities.

By Mr. Goodwin:

S. 453. Relating to taxation; to amend Title 51, Section 2, Code of Alabama 1940, as heretofore amended, so as to exempt from ad valorem taxation all property owned by Loyal Order of Moose or lodge thereof, provided such property is used and occupied exclusively by such organization.

Committee on Finance and Taxation.

By Mr. Mims:

S. 454. To create a council to be called the "Alabama Plant Industry Council," which shall advise, study, counsel and consult with the Department of Agriculture and Industries concerning plant industries and horticultural business in this state; to provide for the membership, terms of office, powers, duties, meetings and per diem and travel expenses of Council members; to provide that the Director of the Division of Plant Industries of the Department of Agriculture and Industries shall act as secretary of the Council, requiring certain duties to be performed by said Director, and to repeal conflicting laws.

Committee on Finance and Taxation.

By Mr. Mims:

S. 455. To exempt the Southeastern Livestock Exposition, Inc., a nonprofit agriculture association, from the payment of all state, county, and municipal sales and use taxes, on admission tickets for events and exhibitions held at the Garrett Coliseum.

Committee on Finance and Taxation.

By Mr. Mims:

S. 456. To amend the title and Section 1 of Act No. 638, H. 234 of the 1976 Regular Session (Acts 1976, Vol. II, p. 886), so as to transfer all funds collected thereunder into a fund to be designated as "Probationers' Upkeep Fund" and to have all such funds subsequently collected deposited in the state treasury to the credit of that fund for the use by the Board of Pardons and Parole for the purposes stated in said section; and to make an immediate appropriation from the funds collected pursuant to the act.

Committee on Finance and Taxation.

By Mr. Owen:

S. 457. To further amend Section 847 of Title 51 of the Code of Alabama 1940 as heretofore amended by extending each of the time limits set out in said Section 847 by an additional ten days.

Committee on Finance and Taxation.

By Mr. Owen:

S. 458. To further regulate public utilities and protect the public welfare; to create the Committee on Public Utilities; to prescribe the powers, duties, and responsibilities of the members and their compensation therefor; to require certain functions of the department of examiners of public accounts; to make appropriations from certain fees paid to the Public Service Commission and, as necessary, from the general fund of the state treasury.

Committee on Finance and Taxation.

By Messrs. Owen and Noonan:

S. 459. Proposing an amendment to the Constitution of Alabama further amending Section 144, Article VI, of the Constitution of Alabama; providing for a Probate Court in each county, with general jurisdiction of orphans' business, and adoptions, and with power to grant Letters Testamentary, and of Administration and of Guardianships, and such further jurisdiction as may be provided by law.

Committee on Finance and Taxation.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Owen:

S. 460. To appropriate monies from the Alabama Special Educational Trust Fund for support of "Opportunities Industrialization Centers" designed to enable certain economically disadvantaged, unemployed and underemployed persons to secure and retain employment at their maximum capacity and to prescribe regulations applicable to the expenditure of such monies.

Committee on Finance and Taxation.

By Mr. Owen:

S. 461. To regulate the practice of design, construction, sale or installation of heating and air conditioning equipment, and roofing and sheet metal; to create a regulatory board for such purpose; to provide for the officers, memberships, duties, authority, meetings and terms of the board; to vest rule-making and examining authority and the power to levy fines in the board; to provide for certification fees and their disposition; to require contractors in the regulated trades to be certified and bonded; to exempt certain persons from certain provisions hereof; and to provide penalties for violation of this act.

Committee on Finance and Taxation.

By Mr. Owen:

S. 462. To further amend Section 712 of Title 51 of the Code of Alabama 1940 as heretofore amended so as to extend by ten days the time allowable for disbursing the money the probate judge receives in respect of motor vehicle licenses and registration fees and to extend by ten days the time allowable to the probate judge for forwarding to the Comptroller and the Department of Revenue a certified list of all motor vehicle licenses issued by the probate judge during the preceding month.

Committee on Finance and Taxation.

By Mr. Owen:

S. 463. To amend Sections 9 and 13 of Title 48, Code of Alabama 1940, relating to the organization and personnel of the public service commission, so as to further prescribe certain administrative authority for the president of said commission.

Committee on Finance and Taxation.

By Mr. Fine:

S. 464. To provide that persons who served two or more years with the National Youth Administration during World War II shall be allowed to make certain contributions into the state retirement systems and shall have such service time credited as state service toward their retirements.

Committee on Finance and Taxation.

By Mr. Edwards:

S. 465. To amend Section 18 of Act No. 403, H. 330, 1971 Regular Session, approved August 19, 1971, entitled "An Act Requiring the registration and licensing of barbers and barber apprentices, and barber colleges, creating for the administration of this Act a State Board of Barber Examiners, and defining violation of this Act and prescribing penalties therefor," so as to add certain counties to the list of counties to which this Act does not apply.

Committee on State Government.

By Mr. Mitchell:

S. 466. To amend further Section 6 of Act No. 48, H. 34, 5th Special Session 1950 (Acts 1950-1951, Vol. 1, p. 102) which relates to social security for certain officers and employees of the State and local governments of Alabama, so as to authorize the State Agency for Social Security to make further withdrawals for administration purposes.

Committee on Insurance.

By Mr. McDonald (A):

S. 467. To amend Section 16-103 of Act No. 1205, S. 400, 1975 Regular Session (Acts of 1975, p. 2384) relating to court finances so as to further regulate the reimbursement to the counties by the state of costs of certain clerical office supplies from January 16, 1977 through September 30, 1977.

Committee on Finance and Taxation.

By Messrs. McDonald (A) and Shelby:

S. 468. To amend the title and Section 1 of Act No. 565, H. B. 391, Regular Session of 1963, regulating the working hours of all paid firemen in cities or towns with a population of twenty nine thousand or more so as to decrease the working hours of said firemen.

Committee on Local Government.

By Messrs. Wilson and Bank:

S. 469. To set forth a declaration of public policy and legislative intent; to define terms used herein; to require that persons detonating

blasting agents and/or explosives be examined and licensed by the State of Alabama; to provide for the payment of fees for examinations and licenses; to provide for the suspension and revocation of licenses and for hearings and appeals in connection therewith; to provide for the licensing of certain persons experienced in blasting without examination upon the payment of a fee; to provide certain standards of blasting safety including notification to owners of certain types of properties and requiring that protective measures be taken when needed in regard to such properties, the covering of a certain type of detonating cord in certain circumstances, prohibiting the impeding of traffic by the throwing of blasted material on highways without prior agency approval and the prohibition of night time blasting except when necessary for safety of operations or with prior approval of Agency; to establish standards for blasting including establishing a peak particle velocity of ground motion at certain locations, the establishing of formulae for regulating the amounts of blasting agents and/or explosives allowable under certain conditions and establishing a table of such amounts; to provide for monitoring of blasting by seismological devices and prescribing criteria for their design and use; to establish a formula for computing certain effects of blasting; to establish permissible occasions for the use of seismographic equipment; to provide for the keeping of certain records and their availability for examination by the state; to require that those engaged in blasting operations obtain property damage and personal injury liability insurance; to establish penalties for the violation of this Act; to provide for the administration of this Act by the Department of Industrial Relations and by the Alabama Surface Mining Reclamation Commission; to provide a severability clause; to repeal certain laws and to prohibit the enactment of local, county, or municipal regulations; to establish powers of the administering agencies; to establish a short title, and to provide for an effective date.

Committee on Commerce, Transportation,  
and Utilities.

By Mr. Clemon:

S. 470. To promote competition; to prohibit restraints of trade and monopolistic practices and to provide remedies and penalties therefor; to repeal all existing laws inconsistent with this Act.

Committee on Commerce, Transportation,  
and Utilities.

By Mr. McDonald (A):

S. 471. To amend Section 1 of Act No. 576, H. 235, Regular Session 1963 (Acts 1963, p. 1250), now appearing as Title 36, Section 75 (17) Code of Alabama 1940, which act provides for the issuance of special motor vehicle license tags for disabled veterans, so as to provide further that such tags shall be inscribed with a likeness of the American flag.

Committee on State Government.

By Mr. Edwards:

S. 472. Prescribing an additional penalty of seven dollars (\$7.00) on all moving traffic violations in which the arrest was made by a state trooper; providing that the proceeds arising from such additional penalty shall be used exclusively for the payment of salary increases for certain employees of the department of public safety.

Committee on Finance and Taxation.

## RESOLUTIONS

Mr. Roberts offered the following Senate Resolution, to-wit:

S. R. 238. BE IT RESOLVED BY THE SENATE That the chairmen of all standing committees, excepting Rules, Finance and Taxation, and Banking, shall meet with the secretary of the Senate to establish meeting dates and time of committee meetings, to insure that there will be no conflicts of scheduled committee meetings.

On motion of Mr. Roberts, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Goodwin, Noonan, Owen and Bank offered the following Senate Joint Resolution, to-wit:

S. J. R. 239. COMMENDING AND PRAISING KEN STABLER FOR OUTSTANDING ACHIEVEMENT IN THE WORLD OF SPORTS.

WHEREAS, the Legislature of Alabama recognizes that many Alabama sons and daughters have brought credit, honor and fame to their native state by demonstrating their outstanding athletic abilities throughout the world; and

WHEREAS, Ken Stabler from Foley, Alabama stands tall among his peers, having led the Oakland Raiders to victory in the 1977 Super Bowl games, and holds the title of Most Valuable Player in the American Football Conference of the National League for 1976; and

WHEREAS, Kenny is a superb and brilliant athlete, a "winner" from boyhood who won twelve letters in high school and led his team to the state football championship, becoming a unanimous all-state selection and one of the most heavily sought after school boy athletes in the country; and

WHEREAS, "Snake," as he has come to be known, turned down a large bonus in professional baseball to choose the University of Alabama over more than one hundred other universities; and

WHEREAS, during his career at Alabama, his team had the unbelievable record of nineteen wins, two losses and one tie in the tough Southeastern conference and against equally tough bowl opponents, and Ken Stabler fast became one of the Alabama Crimson Tide football legends, also earning such impressive honors as All Southeastern Conference in 1966 and 1967 and Most Valuable Player in the SEC in 1966, All-American in 1967; and

WHEREAS, professional football has been a continuation of the "winner" in Ken Stabler, drafted number two in the 1968 NFL draft and in 1973 leading the AFC in passing with an amazing 62.7% completion mark—twelve wins, two losses and one tie under his leadership; and

WHEREAS, since that time Ken Stabler has gone on to capture innumerable other awards including All-Pro in 1974 for the second year in a row, again Most Valuable Player in the AFC, the Offensive Player of the Year by the Associated Press, and in 1976 was named as Outstanding Player in the American Conference of the NFL and also received the Hickcock belt award as Outstanding Athlete of the Year; and

WHEREAS, his innate talents and untiring efforts, oftentimes despite injury and against seemingly insurmountable odds, have not been restricted to the acquisition of personal fame and glory, as Ken Stabler

long has participated in programs dedicated to helping others, including deep involvement with the "Special Olympics" program for retarded youths; and

WHEREAS, Ken Stabler, hailed by Coach Paul Bryant of the University of Alabama as the "most complete athlete I ever coached," now resides with his lovely wife, Debby, in San Ramon, California during the football season, but always returns to his home state of Alabama in the off season—"Bear Country" where the legend of Ken Stabler will live for some time; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do praise, commend and honor Ken Stabler for his countless past records and achievements, and wish for him continued success in pursuit of his career and all further endeavors.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Ken Stabler that he may know of our high esteem.

On motion of Mr. Goodwin, the Rules were suspended and the Resolution was adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Campbell and Manley:

H. 289. To amend Title 51, Section 17, Code of Alabama 1940, as amended, which provides rates of assessment for ad valorem taxation for the several counties, so as to include Sumter and Choctaw Counties in the table of counties having special rates in subsection (5) of said Section 17.

Also:

By Mr. McCluskey (with notice and proof):

H. 398. Relating to Coosa County; authorizing the levy of a tax on the sale and distribution of malt or brewed beverages; providing for the collection of such tax; and allowing the confiscation of such beverages on which such tax has not been paid.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 398, as Required by the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Mr. Warren (with notice and proof):

H. 393. To permit any bank, having its principal place of business in Repton, Alabama to establish, maintain, and operate, within the limits or boundaries of Conecuh county, a branch or additional office or place of business, subject to the approval of the state superintendent of banks.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 393, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Messrs. Weeks and McNees:

H. 139. To provide for and authorize the incorporation of a public corporation as a political subdivision of the state to be named Buttahatchee River Development Authority, for the development of the Buttahatchee River, its tributaries and watershed, for the purposes of navigation, water conservation and supply, flood control, irrigation, industrial development, public recreation and related purposes; to provide for the composition of the board of directors of the Authority; to specify the powers and duties of the Authority and its board of directors; to authorize the Authority to investigate the resources of the Buttahatchee River watershed, to determine requirements for its full development and control, and to carry a unified comprehensive program of resource development, together with other powers to effectuate the foregoing objective: to authorize the Authority to acquire land and interests in land by purchase, construction, lease, condemnation or otherwise, and to hold, manage and sell such land and interests therein; to make provisions respecting the establishment and revision of rates, fees and charges for services rendered by the Authority; to provide for the issuance by the Authority for any of its corporate purposes of interest-bearing revenue bonds and notes payable solely out of the revenues of the Authority or out of the revenues of any particular facilities and other property of the Authority, without regard to the specific facilities and other property with respect to which such bonds and notes may have been issued; to provide that such bonds and notes shall constitute negotiable instruments; to provide that such bonds and notes may be secured by a pledge of the revenues from which they are payable, by contracts binding the Authority for the proper application of its revenues and the proceeds of such bonds and notes and by a nonforeclosable mortgage or deed of trust or statutory mortgage lien on the facilities and other property out of the revenues from which such bonds and notes are payable, and to provide that bonds and notes of the Authority may be issued under a trust indenture; to provide for constructive notice of any such statutory mortgage lien; to authorize and make provisions respecting the assumption by the Authority of obligations respecting facilities and other property acquired by the Authority; to provide for the use of the proceeds of bonds and notes issued by the Authority; to provide for the refunding, by the issuance of bonds and notes of the Authority, of bonds and notes therefore issued or obligations theretofore assumed by it; to provide that bonds and notes issued and contracts entered into by the Authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality or other political subdivision of the state; to authorize Marion and Lamar Counties and the municipalities located therein to contribute money to the Authority, without the necessity of an election and with or without consideration therefor; to exempt from all taxation in this state, the Authority, its property, corporate activities, income, revenues, bonds and notes, the income from its bonds and notes, and conveyances, leases and mortgages and deeds of trust to which the Authority is a party, and to exempt the Authority from payment of certain



charges to Judges of Probate; to provide that the Authority shall be exempted from regulation and supervision by the Public Service Commission and the State Department of Finance; to provide for the use of public roads in the state by the Authority; and to provide for certain annual reports by the Authority.

Also:

By Messrs. Weeks and McNees:

H. 292. Proposing an amendment to the Constitution of Alabama relative to the Buttahatchee River Watershed Area.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 289, 398, 393, 139 and 292. To the Committee on Local Legislation No. 1.

(The above Bill, H. B. 292, was read a first time at length as required by the Constitution.)

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Lockett, Pegues and Edwards (with notice and proof):

H. 265. Relating to Dallas County; declaring guns, rifles, ammunition, other hunting equipment and motor vehicles, including motor boats or power boats, used in illegal nighttime deer hunting in the county to be contraband; and providing for the condemnation and sale thereof for the benefit of the state game and fish fund.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 265, as required in the General Acts of Alabama, 1975 Acts No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Messrs. Brindley and Jolly:

H. 300. Amending Section 1 of Act No. 16, H. 17 of the 1975 Second Special Session (Acts 1975, Vol. I, p. 127), relating to all counties having populations of not less than 26,725 nor more than 27,250 inhabitants according to the 1970 or any subsequent federal decennial census; providing for clerical assistance of the tax assessor and tax collector in such counties, so as to provide that any cost of living increase for county employees automatically shall be applicable to them, retroactively to October 1, 1975.

Also:

By Messrs. Jolly and Brindley (with notice and proof):

H. 203. To authorize the Blount County governing body to levy and collect, in addition to all other taxes heretofore imposed by law, a county excise and privilege tax on every person severing coal within the county; to provide that the proceeds collected therefrom be deposited in the county treasury designated for county roads; to prohibit the expenditure of such funds for bonded indebtedness or road equipment of any nature; to authorize the county governing body to inspect the books of each person severing coal and to make such reasonable rules and regulations as may be necessary to enforce and collect the tax imposed by this act; and to prescribe penalties for the violations of the provisions of this act.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 203, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Messrs. Baker and Whatley:

H. 114. To permit any city in the State of Alabama having a population of not less than 23,000 nor more than 27,000 inhabitants according to the 1970 or any subsequent federal decennial census to adopt the council-manager form of municipal government, to provide for the calling and holding of elections to vote thereon, to provide for the election and term of the first council, to define the legal status, form of government and powers of the city, to provide for subsequent elections of members of the council, their number and their terms of office, to provide for the qualification, powers and authority of the council, the mayor and city clerk, to provide for the appointment and removal and to define the powers of the city manager, to provide for an annual budget, its preparation, submission, adoption and effect, to create and define the powers and duties of a department of finance and of the director thereof, to regulate purchases and contracts of the city, and to define their powers and authority, to set up the terms and effects of succession in government of any city adopting the council-manager form of government, to provide for the establishment and re-establishment of districts, to make various other provisions for such form of government of any such city, and to provide for the means of abandoning the council-manager form of government.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 265, 300, 203 and 114. To the Committee on Local Legislation No. 1.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Dial:

H. 40. To amend Section 18 of Act No. 403, H. 330, 1971 Regular Session (Acts 1971, p. 689), entitled "An Act Requiring the registration and licensing of barbers and barber apprentices, and barber colleges, creating for the administration of this Act a State Board of Barber Examiners, and defining violation of this Act and prescribing penalties therefor," so as to add Cleburne County to the list of counties to which the Act does not apply.

Also:

By Mr. Dial:

H. 51. To amend Section 1 of Act No. 165, H. 130, 1971 Special Session (Acts of 1971, p. 4413), entitled, "An Act Relating to counties having a population of not less than 10,900 nor more than 11,500 according to the most recent federal decennial census; to provide for the payment of a clerk hire allowance in the Probate Judge's office of such counties," so as to increase the amount of such allowance; to provide that such allowance shall be paid from any available county funds and to provide that the provisions of this act shall be retroactive to January 17, 1977.

Also:

By Mr. Dial:

H. 52. To provide an expense allowance for the coroner and to authorize the coroner to appoint a deputy coroner in all counties having a population of not less than 10,900 nor more than 11,500 inhabitants according to the 1970 or any subsequent federal decennial census.

Also:

By Mr. Dial (with notice and proof):

H. 135. Relating to Clay County; to change the method of compensating the judge of probate, the tax assessor, the tax collector, the clerk of the circuit court and the register of the circuit court; and to fix the compensation for each of such officers, subject to the ratification of a constitutional amendment.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 135, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Mr. Dial:

H. 137. To authorize the county commission in all counties having a population of not less than 10,900 nor more than 11,500 inhabitants according to the 1970 or any subsequent federal decennial census to

appropriate from the county general fund the necessary funds to adequately support those little league athletic programs directly affiliated with any of the public schools in such counties and to provide retroactive effect for said act.

Also:

By Messrs. Jackson (F), Smith (J) and Holley:

H. 252. To amend Section 1 of Act No. 441, H. 916, 1976 Regular Session (Acts 1976, p. 542) entitled "An Act Relating to counties having populations of not less than 34,000 nor more than 34,800 according to the most recent federal decennial census; to provide an additional expense allowance for members of the governing body of any such county payable out of county funds," so as to change the amount of the additional expense allowance and to make the provisions of the Act retroactive.

Also:

By Mr. Holley:

H. 29. Proposing an amendment to the Constitution of Alabama of 1901 to provide for the removal, within a prescribed time, of the Coffee County courthouse from Elba and of the annex thereto from Enterprise to New Brockton, provided a majority of the electors voting in the constitutional amendment election in Coffee County approved such an amendment; and to authorize the governing body of Coffee County to accept any financial aid offered to it, including aid from the federal government.

Also:

By Mr. Folmar (with notice and proof):

H. 10. Relating to Pike County, increasing the pistol permit fee in said county and providing for retroactive effect.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 10, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Messrs. Carter and Moore (W) (with notice and proof):

H. 212. To authorize the Limestone County Commission to appropriate funds from the Highway Traffic Funds of said county or other funds in the County Treasury for law enforcement purposes in said county, including the payment of the salaries of any deputies that might be employed by the Sheriff of said county.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 212, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Mr. Campbell:

H. 290. To repeal Act No. 361, H. 1141, Regular Session of 1973 (Acts 1973, p. 515), entitled "An Act Relating to counties having not less than 16,350 nor more than 16,650 populations, according to the most recent federal decennial census; to provide an additional clerks hire allowance for the Probate Judge of such counties."

Also:

By Messrs. Merrill, Shelton and Holmes (D):

H. 372. Relating to counties having a population of not less than 95,000 nor more than 115,000 inhabitants according to the 1970 or any subsequent federal decennial census; further amending Section 1 of Act No. 460, H. 516 of the 1967 Regular Session (Acts 1967, p. 1151), as amended, which act regulates the operation of food stores subject to the Sunday closing statutes and provides certain exemptions thereto, so as to prohibit the operation of such stores with more than five employees.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 40. To the Committee on State Government.

H. B.'s 51, 52, 135, 137, 252, 29, 10, 212, 290, and 372. To the Committee on Local Legislation No. 1.

(The above Bill, H. B. 29, was read a first time at length as required by the Constitution.)

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Gafford, Biddle, Callahan, Sasser, Clark, Armstrong, McNees, Weeks, Coburn, Crawford, Carter, Waggoner, Owens, Starkey, Falkenburg, White, Smith (J), Sonnier, Roberts, Martin, Lutz, Pegues, Moore (O), Plaster, McMillan, Sandusky, Baker, Higginbotham, Whatley, Quarles, Cross, Moore (W), Carothers, Brindley, Albright and Morris:

H. 86. Relating to the regulated loan business; providing for regulation, examination, investigation, and licensing of individuals, firms, and corporations engaged in the business of making regulated loans and for the suspension and revocation of licenses issued hereunder for specified reasons; prescribing maximum rates of interest and other charges for loans; providing for the administration and enforcement of the Act, prescribing penalties, providing for the proper repeal of existing laws, including Section 18 (f) of Act No. 2052, S. B. 122 of the Regular Session of

1971, approved October 1, 1971, relating to loans over \$300.00 and Act No. 374, H. B. 102 of the Regular Session of 1959, approved November 6, 1959, relating to the small loan business and Act No. 159, H. B. 233, approved June 23, 1945 (General Acts of Alabama, 1945, page 200), relating to the small loan business and providing for regulation of the same.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 86. To the Committee on Banking.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Lutz:

H. 152. To amend the Title, Section 1 and Section 2 of Act No. 539, H. 201, 1975 Regular Session (Acts of 1975, p. 1192) which provides that driver licenses and non-driver identification cards bear photographic likeness of the recipient, so as to require that emergency medical data also be placed on all driver licenses and non-driver identification cards.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 152. To the Committee on Judiciary.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Killian:

H. 90. Amending Title 61, Section 193, Code of Alabama 1940 which relates to the appraisement of decedents' personal estates so as to increase the fees paid to appraisers for such services from two dollars (\$2.00) per day to twenty-five (\$25.00) per day.

Also:

By Messrs. Hill and Greer:

H. 340. To amend further Section 6 of Act No. 48, H. 34, 5th Special Session 1950 (Acts 1950-1951, Vol. 1, p. 102) which relates to social security for certain officers and employees of the State and local governments of Alabama, so as to authorize the State Agency for Social Security to make further withdrawals for administration purposes.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 90. To the Committee on Judiciary.

H. B. 340. To the Committee on Health and Welfare.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 22. JOINING THE ALABAMA DEMOCRATIC CONGRESSIONAL DELEGATION IN RECOMMENDING AND URGING THE APPOINTMENT OF MR. CHARLES R. MITCHELL TO FILL THE VACANCY CURRENTLY EXISTING ON THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Pegues, Killian, Falkenburg, White and Cooper:

H. J. R. 50. CONTINUING THE COMMITTEE CREATED BY ACT NO. 755, H. J. R. 326, OF THE 1976 LEGISLATURE AND POSTPONING THE DAY FOR FILING ITS FINAL REPORT AND EXTENDING THE EXISTENCE OF SAID COMMITTEE.

WHEREAS, Act No. 755, H. J. R. 326, page 1039, of the Regular Session of the 1976 Legislature created a select joint committee to study the rising cost to the state of the Medicare and Medicaid programs; and

WHEREAS, said resolution directed that the committee report its findings, conclusions and recommendations to the Legislature not later than the fifth legislative day of the 1977 Regular Session, whereupon the committee should be dissolved; and

WHEREAS, it is deemed wise and expedient that this committee have more time in which to report its findings, and that the life of this committee be extended; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Select Joint Committee to Study the Rising Cost to the State of the Medicare and Medicaid Programs, created by Act No. 755, H. J. R. 326, 1976 Regular Session, report its findings not later than the tenth legislative day and that the life of this Committee shall expire on the 30th legislative day of the 1977 Regular Session.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The Resolution, H. J. R. 50, set out in the foregoing Message from the House was read and referred to the Standing Committee on Rules.

#### REPORTS OF COMMITTEES

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Perloff, Owen, Noonan, Roberts, Teague, Wilson, Mims, Fine, Peden, Adams, Goodwin, Littleton, Gilmore, Miller, McDonald (S), Clemon, Pearson, Vacca and Mitchell:

S. 426. To make an appropriation for capital outlay purposes at the University of South Alabama at Mobile for the fiscal year ending September 30, 1977.

By Mr. Owen:

S. 26. To require written approval by the Sunset Committee of any and all newly proposed agencies of state government.

By Mr. Owen:

S. 27. To require quarterly fiscal reports by certain state agencies.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Fine (With Substitute):

S. 30. To amend section 1 of Act No. 763, H. 286, 1973 Regular Session (1973 Acts, p. 1145), as amended, so as to provide for the definition of the intent of the Legislature regarding the purpose of the Act and to set forth certain instructions to the State Department of Revenue; and to give retroactive effect to September 5, 1973.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the



following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. McDonald (A):

S. 105. Providing further for the residency requirement at institutions of higher learning for any student if one of the student's parents or legal guardians is either an employee of a United States Senator or Congressman representing this state or an officer or employee of the executive Branch of the federal government on appointment by the President of the United States.

By Mr. McDonald (A):

S. 170. To provide that all persons entering the study of medicine at any state supported medical school, after the effective date of this act, shall enter into a contract with the State of Alabama providing that for the consideration of being able to attend a state supported medical school such persons shall agree to practice medicine in Alabama for a period of two years within the first five years after graduation and completion of their internship, or reimburse the state for its costs incident to such persons' medical education; and to provide that the state committee of public health is authorized to waive the requirement of practice or reimbursement for good and sufficient cause shown.

By Mr. Teague:

S. 216. To amend Section 2 of Act 281, H. 295, Special Session, 1966 (Title 52, Section 622(5) ), which is the Alabama Educational Benefits for Dependents of Blind Parents Act, so as to increase the amount of family income allowed in a family where the head of the household is blind for dependents to be eligible for educational benefits at institutions of higher learning.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Stewart, Pearson, Edwards, Shelby, Adams, Bank, Teague, McMillan, Fine, Powell and Wilson (With Amendment):

S. 222. To authorize the Alabama Court of Criminal Appeals to hire three staff attorneys and one stenographer and to pay the necessary salaries and expenses thereof, in addition to the staff presently employed by said Court; to make an appropriation out of the state general fund to cover said salaries and expenses.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Stewart and Little (With Substitute):

S. 223. To regulate further the deposit and investment of state funds; and for such purpose to amend further Sections 1, 2, 3, and 4 of Act

No. 3, H. 64, 1967 Regular Session, (Acts of Alabama 1967, p. 336, now appearing in Code of Alabama, Recompiled 1958, Title 55, Section 393 (1-9) ), as amended; to prescribe the manner of determining the amount of state funds to be deposited in state depositories and the type of deposits therein and the amount to be invested and to regulate the interest rate thereon.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Adams:

S. 345. To authorize and direct the Alabama Board of Nursing to promote continuing education for nurses, and to make an appropriation to the Alabama Board of Nursing to fund the development and production of continuing nursing education programs, seminars and workshops for nurses.

By Mr. Powell:

S. 348. To amend Sections 1 through 5 of Act No. 110, H. 100 of the First Special Session of 1965 (Acts 1965, Vol. I, p. 159), which act provides for the establishment, maintenance and operation of a trade school for the prison system, so as to transfer its operation and the land, personal property and buildings to the state board of education.

By Mr. King:

S. 391. To reestablish, with additional duties, the Alabama Constitutional Commission conditionally upon the call of a constitutional convention within two years after the effective date hereof; to recreate the constitutional commission fund in the state treasury; and to make a conditional appropriation.

By Messrs. Baker and McDonald (S):

S. 389. To authorize the State Department of Education to contract with Management Services Associates, Inc., of Austin, Texas, to conduct an independent study of services to the blind in Alabama; and to make a supplemental appropriation, in an amount not to exceed \$30,000.00 out of the Alabama Special Education Trust Fund to cover the cost of such study, to the State Department of Education for the current fiscal year.

By Mr. Shelby:

S. 399. To provide a form of municipal government to be known as the mayor-council form of government, which may be adopted by any city in the State of Alabama having a population of not less than 60,000 nor more than 125,000 according to the last or any succeeding federal or municipal census; to provide the method by which any such city may adopt the mayor-council form of government; to provide for the calling and holding of elections to vote thereon; to define and provide the legal status, form of government and powers of any such city under the mayor-council form of government; to provide as the governing body of such city a city council; to provide for the number of members of the council, their election and terms of office; to provide the functions, duties, powers and authority of the city council; to provide for the election, appointment or designation

of officers and employees of the city and for their qualifications, duties, functions, powers and authority; to provide for the election, term, qualifications and compensation of a mayor and for the filling of vacancies in the office of mayor and to provide the duties and authority of the mayor; to provide for the control of the finances of such city; to provide for an annual budget, its preparation, submission, and adoption and the effect thereof; to create and define the powers, functions, duties and authority of the department of finance and the director of the department of finance; to regulate purchases and contracts of such city; to provide for the terms and effects of succession in government of any city adopting the mayor-council form of government; to make various other provisions for any such city which adopts the mayor-council form of government and for the government thereof; and to provide for the means of abandoning the mayor-council form of government and the adoption by the city of other forms of municipal government in lieu thereof.

By Messrs. Teague and Gilmore:

S. 400. To further amend Section 11 of Act No. 492, General Acts of Alabama, Regular Session 1947; to provide that a non-resident contractor shall satisfy the Highway Department that it has paid all taxes due and payable to the State of Alabama or any political subdivision thereof prior to receiving final payment for contract work.

By Messrs. Teague and Gilmore:

S. 401. To amend further Title 51, Section 21, Code of Alabama 1940, so as to provide a definition for heavy duty equipment and to provide that a tax lien shall attach to all heavy duty equipment brought into or situated in this state at any time of the year and to provide for the payment of an ad valorem tax to be computed on a quarterly basis on said equipment.

By Mr. Mitchell:

S. 409. To amend further Section 94 of Title 51 of the Code of Alabama 1940, as amended, relating to the term of service and compensation of the members of the boards of equalization in the several counties, so as to change the year basis for determining the term of service and compensation of said members and to increase the compensation and further regulate the working period of members of certain boards of equalization.

By Mr. Fine:

S. 427. To further authorize each District Attorney to employ assistants to be paid from funds appropriated or otherwise available for that purpose and to provide for the submission of a unified budget for the funding of the Office of District Attorney of the several Judicial Circuits.

Mr. St. John, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Manley, Armstrong, McCluskey, Clark and Harris:

H. 101. To create the Alabama Code Commission and to provide for continuing Code Revision.

By Messrs. Manley, Armstrong, McCluskey, Clark and Harris:

H. 100. To adopt a Code of laws for the State of Alabama.

Mr. St. John, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. St. John (With Amendment):

S. 421. To provide for the distribution of the 1975 Code of Alabama, editions, or portions thereof; to provide for the conservation of the sets distributed; to authorize the sale thereof by the publisher; and to provide an appropriation for the distribution of said code.

Mr. St. John, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Mr. St. John (With Amendments):

S. 33. To provide an entirely new criminal code for the State of Alabama; defining offenses, fixing punishment; repealing numerous specific code sections and statutes that conflict herewith as well as all other laws that conflict with this act.

Mr. St. John, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. St. John, McDonald (S), Roberts, Gilmore, Vacca, and Jones:

S. 166. To prescribe and establish monetary limits payable on claims and judgments based on tort liability and filed or obtained against governmental entities; to define terms.

By Mr. Wilson:

S. 167. To validate the incorporation of public corporations attempted to be organized pursuant to Act No. 107 adopted at the 1965 First Special Session of the Legislature of Alabama, as heretofore amended, and amendments to the certificate of incorporation of such corporations.

By Mr. McDonald (A):

S. 174. To further amend Section 48, Title 36, Code of Alabama 1940, as amended, which section relates to local traffic control devices, so as to allow motor vehicles in certain circumstances to turn right or left on a red traffic signal.

By Mr. Waldrop:

S. 191. To provide that any conference or confidential communication between any priest, rabbi, or ordained minister and a member of his congregation or any person seeking spiritual or moral guidance shall be a privileged communication under the laws of this State.

By Mr. Vacca:

S. 194. To amend Section 5 and 19 of Act 765, Regular Session, 1973 Alabama Legislature, to remove the requirement of a copy of each security interest document when perfecting a security interest in a vehicle of a type which a certificate of title is required; and for related purposes; and to set an effective date.

By Mr. Perloff:

S. 288. To amend Section 119 of Title 61, Code of Alabama 1940, which provides that no suit may be commenced against an administrator or executor until six months after the grant of letters testamentary or letters of administration so as to provide certain exceptions.

By Mr. Edwards:

S. 54. To provide further for the organization, admission, consolidation, merger and dissolution of certain corporations, and to prescribe the powers, authority and duties of such corporations, and of the officers, directors and shareholders thereof; subject to the provisions of Section 188 of this Act, to repeal Sections 1 through 86, and 90 through 101 of Act No. 414, General Acts of Alabama, Regular Session 1959, as amended; and Sections 132 through 137 of Title 13 of the Code of Alabama of 1940.

Mr. King, Chairman of the Standing Committee on Constitution and Elections, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Messrs. King, Owen, St. John, Powell, Teague, McDonald (A), Mitchell, Jones, Shelby, Fine, Little, Waldrop, Roberts, McMillan and Wilson (With Substitute) (With Amendment):

S. 182. To provide for holding a convention to revise and amend the Constitution of this state.

Mr. King, Chairman of the Standing Committee on Constitution and Elections, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. King, Pearson, St. John, Baker, Roberts and McDonald (A):

S. 314. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, relating to the legislative department of state government; to repeal specifically the following Sections thereof: 49, 57, 69, 74, 75, 77, 84, 85, 86, 87, 90, 92, 102, 103, 109 and 238; to amend and supersede the following Sections: 44, 45, 46, 47, 48, 51, 52, 53, 54, 55, 56, 58, 59, 61, 62, 63, 64, 66, 67, 70, 71, 72, 73, 76, 83, 104, 105, 106, 107, 110, and 111, and Constitutional Amendments No. 39, 57, 97, 159, and 339, and to supersede and repeal all other conflicting provisions thereof.

The above Bill was read a second time at length as required by the Constitution.

By Mr. King:

S. 180. Relating to elections and voting in them; providing for the use of electronic voting systems in elections; providing the requirements for these systems; providing that procedures to be used in connection with elections in which these systems are used, including additional procedures for dividing precincts and designating voting places therein; providing election officers for such polling places and prescribing duties and compensation of such election officials.

By Mr. Mitchell:

S. 148. To amend Act No. 1196, S. 1018, 1975 Regular Session (Acts 1975, p. 2349) which relates to primary elections, so as to set the dates for primary elections in August, to change the timetable for declaration and certification of candidacy and to require public declaration of nominations on the date of the first primary election by parties or factions not holding primary elections.

By Mr. Baker:

S. 132. Proposing an amendment to the Constitution of Alabama which would authorize the enactment of general and local laws with criminal penalties for the conservation and protection of the fish, wildlife, seafoods and agriculture of this state and further, authorizing the delegation to appropriate state agencies the power to promulgate rules and regulations pertaining thereto.

The above Bill was read a second time at length as required by the Constitution.

By Mr. Baker:

S. 59. Proposing an amendment to the Constitution of Alabama to provide a retirement pension for certain former governors of the State.

The above Bill was read a second time at length as required by the Constitution.

Mr. McDonald (S), Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with amendment, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Bank (With Amendment):

S. 45. Providing further for the registration of voters, providing for additional times and places for the meeting of the boards of registrars and amending existing state laws so as to be consistent therewith.

By Mr. King (With Amendment):

S. 79. To provide that each local school board, city and county, shall establish standards of proficiency to evaluate student progress in the performance of basic skills for students attending schools within its school district; to provide that the state department of education shall assist the local school board by prescribing minimum academic and proficiency standards, including performance indicators; to provide that each school shall report the results of student performance assessments to the local

school board; and to provide that each local school board shall have the authority to prescribe such reasonable rules and regulations as are necessary to implement the provisions of this act.

Mr. Mitchell, Chairman of the Standing Committee on Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Gilmore:

S. 213. To amend Section 12 of Act No. 407, Acts of Alabama, 1971 Regular Session (Section 12, Title 28A, Code of Alabama 1940, as amended) so as to exempt from the Alabama Insurance Code a trust established by The University of Alabama in Birmingham and its faculty, employees and affiliated organizations for the purpose of wholly or partially providing indemnification against liability claims based upon acts or omissions including without limitation claims based upon malpractice of physicians who are members of the faculty of the University of Alabama School of Medicine and residents and interns employed by the University of Alabama Hospital for services performed in the Medical Center of The University of Alabama in Birmingham or elsewhere; other employees of the University of Alabama Hospitals and the hospitals located within the Medical Center of The University of Alabama in Birmingham in which such physicians and employees perform services and other persons engaged in the delivery of health care who are associated with the University of Alabama in Birmingham.

Mr. Mims, Chairman of the Standing Committee on Agriculture, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Mims:

S. 285. To amend Sections 32 and 33 of Title 18 of the Code of Alabama 1940, as amended, relating to electric cooperatives, so as to provide that such cooperatives may process, treat, sell and dispose of water and water rights; purchase, sell, lease, construct, own and operate water systems and sanitary sewer systems, supply water and sanitary sewer services, to exercise the power of eminent domain, to issue notes, bonds, mortgages and other evidences of indebtedness to finance such undertakings.

By Mr. Mims:

S. 287. To amend Title 2, Section 590 of the Code of Alabama of 1940, Recompiled 1958, relating to the custody of and certification of State standards by the National Bureau of Standards under which weighing and measuring devices are tested and calibrated for accuracy and records to be kept thereof; to amend said Section 590 of Title 2 by providing a procedure under which standards for weighing and measuring devices shall be tested and calibrated for accuracy as prescribed by the National Bureau of Standards.

By Mr. Mims:

S. 362. To amend Section 1 of Act No. 238, H. 288, approved July 27, 1953 (Acts of Alabama of 1953, Vol. I, p. 303, now appearing as Title 2, Section 23(1), Code of Alabama, Recompiled 1958), an Act providing for

the designation of certain employees of the Department of Agriculture and Industries as "Cattle Theft Investigators" with authority of peace officers, etc.; to amend said Act No. 238 of 1953 to designate such employees of the Department of Agriculture and Industries as "Livestock Theft Investigators" with the power and authority of peace officers to conduct investigations and make arrests for any unlawful offense which may be exercised anywhere within the State of Alabama.

By Mr. Mims:

S. 282. Relating to persons engaged in the business of weighing for hire known as public weighmasters; To amend Title 2, Section 630 of the Code of Alabama of 1940, to increase the annual permit or appointment fee required to be paid to the Commissioner of Agriculture and Industries by persons engaged in the business of weighing for hire designated as weighmasters by increasing said annual fee to ten dollars.

By Mr. Mims:

S. 278. To prescribe a procedure for complaints, investigations, findings and recommendations where purchasers of agricultural, vegetable, flower, tree, shrub and herb seeds suffer damages as a result of any such seed not being in compliance with legal requirements which govern the sale thereof or where the seed fail to perform as represented; to create and establish an investigation and arbitration committee for this purpose and to prescribe its powers, duties and authority.

By Mr. Mims:

S. 280. Relating to public warehouses; to amend Section 570 of Title 2 of the Code of Alabama 1940 which relates to the annual filing fee to be paid to the Department of Agriculture and Industries by persons who operate a public warehouse; to require an annual filing fee of twenty-five dollars to be paid by persons operating a public warehouse; to prescribe the effective date of this Act.

By Mr. Mims:

S. 284. Relating to cotton gins and the regulations thereof by the Department of Agriculture and Industries: to amend Section 172 of Title 2 of the Code of Alabama of 1940, as heretofore amended by Act No. 401, H. 190, approved August 16, 1965, (Acts of Alabama of 1965, Vol. I, p. 577) relating to the annual permit fee required for the operation of a cotton gin; prescribing the amount of such permit fee, and the date on which this Act shall become effective.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 12. COMMENDING DR. S. RICHARDSON HILL, JR., UPON BEING NAMED PRESIDENT OF THE UNIVERSITY OF ALABAMA IN BIRMINGHAM.



Also:

H. J. R. 13. COMMENDING DR. M. C. CLEVELAND, SR. FOR HIS MANY ENDEAVORS AND ACCOMPLISHMENTS IN RELIGIOUS AND EDUCATIONAL FIELDS.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Gafford, Holmes (A), Robertson, White, Williams, McCluskey, Biddle, Morris, Callahan, Gregg, Pegues, Crowe, Warren, McNees, Folmar, McNair, Waggoner, Holmes (D), Smith (C), Higginbotham, Howard, Sasser, Smith (J), Sonnier, Roberts, Martin, Lutz, Lee, Manley, Moore (O), McMillan, Trammell, Sandusky, Smith (B), Killian, Campbell, Baker, Rich, Kinsey, Leonard, Whatley, Quarles, Goodwin, Falkenburg, Boles, Hall, Jackson (R), Jolly, Hilliard, Cross, Naramore, Smith (M), Reed, Porter, Shelton, Moore (W), Glass, Johnstone, Buskey, Kennedy, Carothers, Drake, Taylor, Holley, Owens, Albright, Coburn, McCulley, McCorquodale, Clark, Armstrong, Dial, Riddick, Merrill, Weeks, Crawford, Carter, Lewis, Starkey, Ford, Edwards, Cooper, Turnham, Cates, Brindley and Kelley:

H. 85. To authorize the legislature of the State of Alabama to control the usage of certain parking spaces on certain streets immediately adjacent to the capitol grounds in the City of Montgomery; and to direct the Chief of Services of the Division of Services to work in cooperation with the legislature as herein provided.

Also:

By Mr. Callahan:

H. 126. To require a notification procedure for the issuance by counties, cities, towns, municipalities and public corporations of industrial revenue bonds under Act No. 178 enacted at the 1961 Extra Session of the Alabama Legislature (1961 Acts, p. 2147, et seq.), as amended (relating to industrial revenue bonds to be issued by counties), Act No. 756, enacted at the 1951 Regular Session of the Alabama Legislature (1951 Acts, p. 1307, et seq.) as amended (relating to industrial revenue bonds to be issued by municipalities), Act No. 648, enacted at the 1949 Regular Session of the Alabama Legislature (1949 Acts, p. 991, et seq.) as amended (relating to industrial revenue bonds to be issued by industrial development boards),

Act No. 516, enacted at the 1955 Regular Session of the Alabama Legislature (1955 Acts, p. 1160, et seq.) as amended (relating to industrial revenue bonds to be issued by medical clinic boards), Act No. 4, enacted at the 1956 Second Special Session of the Alabama Legislature (1956 Acts, p. 240, et seq.), as amended (relating to industrial revenue bonds to be issued by certain municipalities to finance hotel and motel projects), Act No. 337 enacted at the 1971 Third Extra Session of the Alabama Legislature (1971 Acts, p. 4625, et seq.) (relating to industrial revenue bonds to be issued by certain municipalities to finance hotels and motels projects), to provide, in addition to their present functions and duties, the functions and duties of the Alabama Securities Commission and its Director (established under Act No. 740 enacted at the 1969 Regular Session of the Alabama Legislature, Acts of 1969, p. 1316, et seq. with respect to such industrial revenue bonds, to establish and provide for the membership, functions and duties of the State Industrial Revenue Bond Advisory Council; to authorize the issuance of stop orders by the Alabama Securities Commission and/or the Director delaying or prohibiting the issuance of industrial revenue bonds; to provide for certificates of notification by the Director, the effect of such certificate, and a remedy for failure or refusal of the Director to issue such certificates; to provide for the assessment of filing fees by the Securities Commission; to provide criminal penalties for willful violations of this act or stop orders issued thereunder; and to provide relief from stop orders of the Director by readoption by the governing body of the issuer of the authorizing proceedings, or from stop orders issued by the Alabama Securities Commission by judicial validation under Title 7, Section 169, et seq., Alabama Code of 1940, as amended (relating to the judicial validation of securities issued by counties, cities and towns) and Act No. 859 of the 1953 Regular Session of the Alabama Legislature (Acts of 1953, p. 1148, et seq. (relating to the judicial validation of securities issued by boards and public corporations) and as supplemented in this act for proceedings hereunder, and relief from stop orders of the Council by such judicial validation.

Also:

By Messrs. Lutz, Waggoner, Armstrong, Carter, Roberts, Martin and Gafford:

H. 154. To amend Section 290 and 291 of Title 28, Code of Alabama 1940, and Section 282 of Title 28, Code of Alabama 1940, as amended by Section 1 of Act No. 561, Regular Session 1975, Section 285 of Title 28, Code of Alabama 1940, as amended by Section 4 of Act No. 561, Regular Session 1975, all of which provide for credit unions in Alabama, so as to provide for an increased maximum of the par value of a share, to eliminate unnecessary language concerning loans, to elect a president who is an employee of the credit union and to remove statutory restrictions on the disbursement of loan funds.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 85 and 126. To the Committee on Finance and Taxation.

H. B. 154. To the Committee on Banking.

## RESOLUTIONS

Mr. Vacca offered the following Senate Joint Resolution, to-wit:

S. J. R. 240. CONTINUING THE COMMITTEE CREATED BY ACT NO. 755, H. J. R. 326, OF THE 1976 LEGISLATURE AND POSTPONING THE DAY FOR FILING ITS FINAL REPORT AND EXTENDING THE EXISTENCE OF SAID COMMITTEE.

WHEREAS, Act No. 755, H. J. R. 326, page 1039, of the Regular Session of the 1976 Legislature created a select joint committee to study the rising cost to the state of the Medicare and Medicaid programs; and

WHEREAS, said resolution directed that the committee report its findings, conclusions and recommendations to the Legislature not later than the fifth legislative day of the 1977 Regular Session, whereupon the committee should be dissolved; and

WHEREAS, it is deemed wise and expedient that this committee have more time in which to report its findings, and that the life of this committee be extended; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Select Joint Committee to Study the Rising Cost to the State of the Medicare and Medicaid Programs, created by Act No. 755, H. J. R. 326, 1976 Regular Session, report its findings not later than the tenth legislative day and that the life of this Committee shall expire on the 30th legislative day of the 1977 Regular Session.

On motion of Mr. Vacca, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Stewart, Gilmore, Vacca, Miller, Noonan, Wilson, Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Goodwin, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Owen, Pearson, Peden, Perloff, Perry, Powell, Roberts, St. John, Shelby, Teague and Waldrop offered the following Senate Joint Resolution, to-wit:

S. J. R. 241. MOURNING THE DEATH OF FORMER SENATOR RICHARD DOMINICK.

WHEREAS, The State of Alabama has suffered a tragic loss in the untimely death of former Senator Richard Dominick, of Birmingham; and

WHEREAS, Richard Dominick, in his quiet way, was a determined and dogged pioneer in the field of legislative reform; the intensive study conducted by his interim committee led to a marked improvement in the legislative process that is still being felt and recognized; and

WHEREAS, The concept of a legislative fiscal office was originally his, although the act which created this office, which is proving to be an invaluable aid to the Legislature, does not bear his name; and

WHEREAS, Dominick's influence is still being felt in the workings of this Legislature; in death, his reputation as a statesman rather than a politician continues to grow; now, therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That we do salute the life and career of former Senator Richard Dominick, and express

profound gratitude for his selfless devotion to duty and the many benefits to the State of Alabama for which he is responsible.

BE IT FURTHER RESOLVED That we do extend deepest sympathy to his widow, Mrs. Charlotte Lane Dominick, and his two sons, Rick and Dirk, to whom copies of this resolution shall be sent.

BE IT FURTHER RESOLVED That a page of the Journal of the Senate be set aside to honor the memory of Richard Dominick.

BE IT FURTHER RESOLVED That Act 108, Third Special Session 1975, the act which created the legislative fiscal office, be named the "Dominick Act".

On motion of Mr. Stewart, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Stewart and Bank offered the following Senate Joint Resolution, to-wit:

S. J. R. 242. CONGRATULATING VAUGHN STEWART ON HIS ELECTION AS PRESIDENT OF THE STUDENT BODY OF THE UNIVERSITY OF ALABAMA.

WHEREAS, Vaughn Stewart, of Anniston, has been elected by his student colleagues to the highest student position at the University of Alabama, that of student body president; and

WHEREAS, Vaughn has an interesting and varied political background, having served as a page in the House of Representatives as a teenager, as youth governor in the Youth Legislature, and as intern in the Washington office of U.S. Senator Jim Allen; and

WHEREAS, Vaughn, a junior in pre-law, has a bright future in the field of law and politics, and may well end up in these hallowed halls if he so desires; and

WHEREAS, Vaughn Stewart succeeds another Anniston student body president, Cleo Thomas, whom we also commend for his successful year in office; now, therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That we do congratulate Vaughn Stewart on the great honor he has received and which he so richly deserves; he is a credit to Calhoun County and the State of Alabama.

BE IT FURTHER RESOLVED That copies of this resolution be sent to him and his family.

On motion of Mr. Stewart, the Rules were suspended and the Resolution was adopted by the Senate.

#### BILLS ON THIRD READING

##### The Bill:

S. 159. To provide that boards of control of local school systems, state public educational institutions and agencies make available payroll deduction of dues for the local affiliate of any general incorporated statewide educators' organization if their employees request this service.

Deduction of dues shall not be required for any organization which serves only persons employed in a particular subject matter area or that is not affiliated with a statewide educators organization which is incorporated under Alabama statutes.

was taken up.

Mr. Gilmore offered the following amendment to the Bill, S. B. 159, to-wit:

#### AMENDMENT TO SENATE BILL 159

Amend Senate Bill 159 by adding immediately following Section 2 on page 2 the following:

"Section 3. Nothing in this Act shall apply to any employee except teachers in teaching hospitals in any medical center or health related unit of any institution.

"Section 4. This Act in no way, either expressed or implied, recognizes the general incorporated statewide educators' organization for which said dues are collected as a bargaining agent or representative of individuals electing such deduction.

Further amend by renumbering the remaining sections.

Which was adopted.

Yeas 28; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Gilmore, Goodwin, King, Little, Littleton, McDonald (A), McDonald (S), Miller, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Vacca, Wilson.

—28

*Nays:*

—0

Mr. Gilmore then offered the following amendment to the Bill, S. B. 159, as amended, to-wit:

#### AMENDMENT TO S. B. 159, AS AMENDED

Amend S. B. 159 by changing the period at the end of Section 6 on page 2, line 16, to a comma and adding the following, viz:

nothing in this act shall be construed to in any way repeal or affect the provisions of Act No. 655, S. 149, 1973 Regular Session (Acts of 1973, p. 984).

Which was adopted.

Yeas 25; Nays 1.

*Yeas:*

Messrs. Baker, Bank, Clemon, Fine, Gilmore, Goodwin, King, Little, Littleton, McDonald (S), Miller, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Vacca, Wilson.

—25

*Nay:* Mr. McDonald (A).

—1

Mr. Shelby offered the following amendment to the Bill, S. B. 159, as amended, to-wit:

#### AMENDMENT TO S. B. 159, AS AMENDED

In the title, and on lines 18 and 19 of page 1, strike the words, “any general incorporated statewide educators’ organization”, and insert in lieu thereof the following words:

any labor organization or educators’ organization

Also in the title, on lines 19-22 of page one, strike entirely the sentence beginning with the word “deduction” on line 19 and ending with the word “statutes” on line 22.

In section 1, page 1, lines 27 and 28, strike the words and phrases, “general incorporated statewide educators’ organization”, and insert in lieu thereof the following words:

any labor organization or educators’ organization

Also in section 1, on lines 29-32, of page one, strike entirely the sentence beginning with the word “Deduction” on line 29 and ending with the word “statutes” on line 32.

Mr. Gilmore moved that said amendment be laid on the table, which motion was lost.

The question recurred on the amendment offered by Mr. Shelby and said amendment was then adopted by the Senate.

Yeas 22; Nays 4.

*Yeas:*

Messrs. Baker, Bank, Fine, King, Little, McDonald (A), McDonald (S), Miller, Mitchell, Noonan, Pearson, Peden, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Wilson.

—22

*Nays:* Messrs. Clemon, Edwards, Gilmore, Goodwin.

—4

Mr. Adams offered the following amendment to the Bill, S. B. 159, as amended, to-wit:

#### AMENDMENT TO S. B. 159, AS AMENDED

Amend Senate Bill 159, Section 1, line 28, page 1, by striking the period following the word “employees” and adding thereto the following words: “, provided, however, that a group shall be a minimum of twenty percent of the employees employed by said board or institution.”

Mr. Shelby moved that said amendment be laid on the table, which motion was lost.

The question recurred on the amendment offered by Mr. Adams, and said amendment was then adopted by the Senate.

Yeas 23; Nays 4.

*Yeas:*

Messrs. Adams, Baker, Clemon, Edwards, Gilmore, Goodwin, King, Little, McDonald (A), McDonald (S), Miller, Mitchell, Noonan, Pearson, Peden, Perloff, Perry, Powell, Roberts, St. John, Stewart, Vacca, Wilson.

—23

*Nays:* Messrs. Bank, Fine, Shelby, Teague.

—4

Mr. Adams then offered the following amendment to the Bill, S. B. 159, as amended, to-wit:

#### AMENDMENT TO SENATE BILL 159, AS AMENDED

Amend Senate Bill 159, Section 2 on page 2 by adding the following sentence: "Each agency or institution may withhold from said remittance the actual cost of administration of this Act, but such sum withheld shall not exceed eight percent of remittance."

Mr. Gilmore moved that said amendment be laid on the table, which motion was adopted.

Yeas 14; Nays 13.

*Yeas:*

Messrs. Baker, Bank, Clemon, Fine, Gilmore, King, Little, Mitchell, Pearson, Roberts, Shelby, Stewart, Teague, Vacca.

—14

*Nays:*

Messrs. Adams, Edwards, Goodwin, McDonald (A), McDonald (S), Miller, Noonan, Peden, Perloff, Perry, Powell, St. John, Wilson.

—13

Mr. Adams then offered the following amendment to the Bill, S. B. 159, as amended, to-wit:

#### AMENDMENT TO S. B. 159, AS AMENDED

Amend Senate Bill 159, Section 2, page 2, lines 9, 10 and 11 by striking the sentence which begins "at the completion of payment of annual dues" and inserting in lieu thereof the following words: "Any employee may revoke the election to have deductions made by submitting a written request to the employer thirty days prior to the end of a pay period. Revocation is automatic in the event an employee is no longer employed by the institution."

Which was adopted.

Yeas 23; Nays 3.

*Yeas:*

Messrs. Adams, Baker, Clemon, Edwards, Goodwin, King, Little, McDonald (A), McDonald (S), Miller, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Powell, Roberts, St. John, Stewart, Teague, Vacca, Wilson.

—23

*Nays:* Messrs. Bank, Gilmore, Shelby.

—3

And said Bill, S. B. 159, as thus amended, was read a third time at length and passed.

Yeas 23; Nays 4.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Fine, Gilmore, Goodwin, King, Little, McDonald (A), McDonald (S), Miller, Mitchell, Owen, Pearson, Peden, Powell, Roberts, Shelby, Stewart, Teague, Vacca, Wilson.

—23

*Nays:* Messrs. Edwards, Noonan, Perloff, St. John.

—4

### MOTION TO ADJOURN LOST

At 1:05 P.M., Mr. McDonald (A) moved that the Senate adjourn until Tuesday, February 15, 1977, at 1 o'clock P.M., which motion was lost.

Yeas 7; Nays 19.

*Yeas:*

Messrs. Baker, Edwards, Fine, McDonald (A), Peden, Powell, Shelby.

—7

*Nays:*

Messrs. Adams, Bank, Goodwin, King, Little, McDonald (S), Miller, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Roberts, St. John, Stewart, Teague, Vacca, Wilson.

—19

### BILLS ON THIRD READING RESUMED

*The Bill:*

S. 158. To establish a student assistance program in the State of Alabama to be known as the Alabama Student Grant Program, which will provide for state grants to certain approved institutions of postsecondary education in Alabama on behalf of and to the credit of eligible students who are bona fide residents of Alabama; to set forth legislative findings and purposes underlying the Program; to provide for the grants payable under the Program; to designate the Alabama Commission on Higher Education to administer the Program; to vest the Alabama Commission on Higher Education with the powers and duties reasonably needed for the effective implementation and administration of the Program; to establish various procedures and requirements concerning the availability of grants, applications for grants, approval and award of grants, renewal of grants, and revocation of grants; to prohibit the use of grants for religious or sectarian purposes and to prohibit the use of money raised for the support of public schools to support schools of a predominantly sectarian or denominational character; to provide for periodic auditing of approved institutions; to provide for periods when there may be insufficient funds to provide such eligible student with a full grant for the terms requested; to provide a penalty for false statements or misrepresentations in connection



with the procurement of grants; to make an appropriation funding the program from the Special Education Trust Fund; to provide for severability; to repeal conflicting laws; and to provide an effective date.

was taken up.

Mr. Shelby moved that consideration of the Bill, S. B. 158, be postponed until the next Legislative Day.

Mr. Edwards offered a substitute motion that consideration of the Bill, S. B. 158, be postponed until the Tenth Legislative Day.

On motion of Mr. Owen, said motion was laid on the table.

The question was then on the motion of Mr. Shelby that consideration of the Bill, S. B. 158, be postponed until the next Legislative Day.

On motion of Mr. Owen, said motion was laid on the table.

Mr. Edwards offered the following amendment to the Bill, S. B. 158, to-wit:

#### AMENDMENT TO S. B. 158

Amend Senate Bill 158, page 7, line 27, add the following:

"If a student who receives a grant under the provisions of this Act leaves the State of Alabama within two years after graduation, said student shall repay the total amount of the grant received during his/her college career."

#### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

We herewith transmit to you a message from the Governor, Lieutenant Governor, and Speaker of the House of Representatives relative to appointments to the State Ethics Commission.

Respectfully submitted,

HENRY B. STEAGALL, II,  
Executive Secretary.

Done this 10th day of February, 1977.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

We the Appointing Board for the State Ethics Commission have appointed the following named persons as members of the State Ethics Commission:

Dr. George Bagley, Montgomery, Alabama—Appointed for the term expiring September 1, 1977.

Dr. Leslie Wright, Birmingham, Alabama—Appointed for the term expiring September 1, 1978.

Mr. Alto V. Lee, III, Dtohan, Alabama—Appointed for the term expiring September 1, 1979.

Mr. Maynard Layman, Decatur, Alabama—Appointed for the term expiring September 1, 1980.

Ms. Bester D. Bonner, Birmingham, Alabama—Appointed for the term expiring September 1, 1980.

As these appointments must be confirmed by your Body, we herewith transmit them to you for such action as you may deem right and proper.

Respectfully,

GEORGE C. WALLACE,  
Governor.

JERE BEASLEY,  
Lieutenant Governor.

JOE E. McCORQUODALE,  
Speaker, House of Representatives.

Done this 10th day of February, 1977.

#### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency the Governor, the Lieutenant Governor, and the Speaker of the House of Representatives, was read and referred to the Standing Committee on Rules.

#### FURTHER CONSIDERATION OF S. B. 158

The Senate proceeded to further consideration of the Bill, S. B. 158. The question was on the amendment offered by Mr. Edwards.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 240. CONTINUING THE COMMITTEE CREATED BY ACT NO. 755, H. J. R. 326, OF THE 1976 LEGISLATURE AND POSTPONING THE DAY FOR FILING ITS FINAL REPORT AND EXTENDING THE EXISTENCE OF SAID COMMITTEE.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Reed, Merrill and McNair:

H. 92. To make appropriation for the support and maintenance of the Tuskegee Institute located in Macon County for the current fiscal year.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 92. To the Committee on Finance and Taxation.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. McCluskey:

H. 77. To make appropriations for the support and maintenance of Talladega College.

Also:

By Messrs. Turnham, Merrill, Higginbotham, Whatley, Baker and Morris:

H. 276. To make appropriations for the support and maintenance of the Lyman Ward Military Academy.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 77 and 276. To the Committee on Finance and Taxation.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Naramore and Crowe:

H. 89. To provide sick leave for full-time support personnel who are non-certificated educational employees in city and county school systems and the Alabama Institute for Deaf and Blind.

Also:

By Mr. Callahan:

H. 132. To exempt the Allen Memorial Home, Inc. from the payment of all state, county and municipal sales and use taxes.

Also:

By Messrs. Folmar and Plaster:

H. 361. To amend further Section 91 of Title 36, Code of Alabama (1940), which authorizes the Director of the Highway Department to issue special permits for movement of certain oversized and overweight vehicles and loads on the state highway system and to collect fees for the issuance of such permit.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 89, 132, and 361. To the Committee on Finance and Taxation.

### FURTHER CONSIDERATION OF S. B. 158

The Senate proceeded to further consideration of the Bill, S. B. 158. The question was on the amendment offered by Mr. Edwards.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Owens, Merrill, Crowe, Plaster, Drake, Holmes (D), Biddle, Warren, Clark, Naramore, Weeks, Kinsey, Riddick, Turnham, Sasser, Carter, Robertson, Coburn, Gafford, Sandusky, Rich, Jackson (F), McCorquodale, McMillan, Harris, Cooper, Waggoner, Lee, Leonard, Smith (C), Moore (O), Martin, Starkey, Roberts, Cross, Pegues, Campbell, Cates, Venable, Folmar, Sonnier, Manley, Smith (M), Hines, Dial, Edwards, Whatley, Baker, Glass, Johnstone, McCulley, Lutz, Gregg, Goodwin, Moore (W), McNees, Boles, Killian, Brindley, Jolly, Quarles, Armstrong, Williams, Albright, Carothers, Smith (J) and Johnson:

H. 218. To regulate further the compensation of certain public officers; to provide for such a salary adjustment for Alabama state troopers and police communications officers as will bring the salaries of these employees of the Department of Public Safety to a level approximating the average salary of like employees in the Southeastern United States; to make an appropriation to implement this act; and specifically to provide that this act shall operate to increase the compensation only of those officers named herein and shall not affect the compensation of any other public officer; and to repeal conflicting laws.

Also:

By Mr. Owens:

H. 219. To make an appropriation to the Governor's Mansion Advisory Board.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 218 and 219. To the Committee on Finance and Taxation.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Pegues, Merrill, Callahan, White, McCorquodale, Gafford, Cates, Lockett, Smith (C), Manley, Armstrong and Dial:

H. 79. To make an appropriation for the support and maintenance of the Marion Institute, located in Perry County.

Also:

By Messrs. Merrill, Naramore and Crowe:

H. 87. To make an appropriation for the support and maintenance of the Walker County Junior College located in Jasper, Walker County, Alabama for the fiscal year ending September 30, 1977.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 79 and 87. To the Committee on Finance and Taxation.

### FURTHER CONSIDERATION OF S. B. 158

The Senate proceeded to further consideration of the Bill, S. B. 158. The question was on the amendment offered by Mr. Edwards.

On motion of Mr. Edwards, said amendment was laid on the table.

And said Bill, S. B. 158, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 6.

Abstaining 2.

*Yeas:*

Messrs. Adams, Bank, Clemon, Fine, Gilmore, Goodwin, King, Littleton, McDonald (A), McDonald (S), Miller, Noonan, Owen, Perloff, Perry, St. John, Shelby, Stewart, Vacca, Wilson.

—20

*Nays:*

Messrs. Baker, Edwards, Little, Peden, Powell, Teague.

—6

*Abstaining:* Messrs. Mitchell, Pearson.

—2

## POINT OF PERSONAL PRIVILEGE

Mr. Mitchell stated that, because of his membership on the Board of Trustees of Alabama Christian College, he abstained from voting on the above Bill, S. B. 158.

Mr. Pearson stated that, because of his membership on the Board of Trustees of Miles College, he abstained from voting on the above Bill, S. B. 158.

## MOTION TO RECONSIDER

Mr. Owen moved that the Senate reconsider the vote by which the Bill, S. B. 158, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

## BILLS ON THIRD READING RESUMED

## The Bill:

S. 17. To make appropriations for the support and maintenance of certain private schools and institutions of higher learning located in the State of Alabama for the fiscal year ending September 30, 1977.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the bill, S. B. 17, to-wit:

## COMMITTEE SUBSTITUTE FOR S. B. 17

A BILL  
TO BE ENTITLED  
AN ACT

To make appropriations for the support and maintenance of certain private schools and institutions of higher learning located in the State of Alabama for the fiscal year ending September 30, 1977.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1977, the sum of Three Hundred Twenty-Five Thousand Dollars (\$325,000.00), from funds in the Alabama Special Educational Trust Fund, for the use and benefit of the Walker County Junior College, located in Jasper, Walker County, Alabama, which sums shall be used for

the support and maintenance of said college. The appropriation herein made shall be paid from warrants of the State Comptroller and upon vouchers or requisitions signed by the Chief executive officer of Walker County Junior College and approved by the Governor.

Section 2. There is hereby appropriated for the fiscal year ending September 30, 1977, the sum of One Million Two Hundred Sixty Three Thousand Dollars (\$1,263,000.00), from funds in the Alabama Special Educational Trust Fund, for the use and benefit of Tuskegee Institute, located in Tuskegee, Macon County, Alabama, which sums shall be used for the support and maintenance of said college. The appropriation herein made shall be paid from warrants of the State Comptroller and upon vouchers or requisitions signed by the Chief executive officer of the Tuskegee Institute and approved by the Governor.

Section 3. There is hereby appropriated for the fiscal year ending September 30, 1977, the sum of Ninety-Two Thousand Dollars (\$92,000.00), from funds in the Alabama Special Educational Trust Fund, for the use and benefit of the Lyman Ward Military Academy, located in Camp Hill, Tallapoosa County, Alabama, which sums shall be used for the support and maintenance of said college. The appropriation herein made shall be paid from warrants of the State Comptroller and upon vouchers or requisitions signed by the Chief executive officer of Lyman Ward Military Academy and approved by the Governor.

Section 4. There is hereby appropriated for the fiscal year ending September 30, 1977, the sum of Two Hundred Thousand Dollars (\$200,000.00), from funds in the Alabama Special Educational Trust Fund, for the use and benefit of Talladega College, located in Talladega, Talladega County, Alabama, which sums shall be used for the support and maintenance of said college. The appropriation herein made shall be paid from warrants of the State Comptroller and upon vouchers or requisitions signed by the Chief executive officer of Talladega College and approved by the Governor.

Section 5. There is hereby appropriated for the fiscal year ending September 30, 1977, the sum of Two Hundred Fifteen Thousand Dollars (\$215,000.00), from funds in the Alabama Special Educational Trust Fund, for the use and benefit of Marion Institute, located in Marion, Perry County, Alabama, which sums shall be used for the support and maintenance of said college. The appropriation herein made shall be paid from warrants of the State Comptroller and upon vouchers or requisitions signed by the Chief executive officer of Marion Institute and approved by the Governor.

Section 6. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This Act shall be effective as of October 1, 1976.

Which was adopted.

Yeas 27; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Gilmore, Goodwin, King, Little, Littleton, McDonald (A), McDonald (S), Miller, Noonan,

Owen, Pearson, Peden, Perloff, Perry, Powell, St. John, Shelby, Stewart, Teague, Vacca, Wilson.

—27

*Nays:*

—0

Mr. Owen offered the following amendment to the Bill, S. B. 17, as amended by the substitute, to-wit:

#### AMENDMENT TO S. B. 17

Amend S. B. 17 by adding the following Section 6 immediately after Section 5 and renumbering the subsequent Section accordingly:

“Section 6. The Department of Examiners of Public Accounts is hereby authorized and empowered to audit the records of the said institution to the same extent, degree, and scope as it audits of public educational institutions, and said institution shall submit to the Legislature each year, before any subsequent appropriation requests may be considered by the Legislature, a full accounting of its receipts, disbursements, assets, liabilities, and other resources as of the date of the close of its immediately preceding academic year.”

Which was adopted.

Yeas 26; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Edwards, Fine, Gilmore, Goodwin, King, Little, Littleton, McDonald (S), Miller, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, St. John, Shelby, Stewart, Teague, Vacca, Wilson.

—26

*Nays:*

—0

And said Bill, S. B. 17, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 28; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Gilmore, Goodwin, King, Little, Littleton, McDonald (A), McDonald (S), Miller, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, St. John, Shelby, Stewart, Teague, Vacca, Wilson.

—28

*Nays:*

—0

#### MOTION TO RECONSIDER

Mr. Owen moved that the Senate reconsider the vote by which the Bill, S. B. 17, as amended, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.



## INTERIM COMMITTEE APPOINTMENT ANNOUNCED

Under the provisions of Act 510, 1976 Regular Session, the President and Presiding Officer of the Senate appointed Mr. St. John to fill a vacancy on the Joint Committee to Examine the Manuscript of the Proposed Code.

## ADJOURNMENT

At 3:50 P.M., on motion of Mr. Shelby, the Senate adjourned until Tuesday, February 15, 1977, at 2 o'clock P.M.

## FIFTH LEGISLATIVE DAY

TUESDAY, FEBRUARY 15, 1977

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

## PRAYER

The Session was opened with prayer by the Reverend Driftwood Rucker, Associate Minister, First United Methodist Church, Montgomery, Alabama.

## ROLL CALL

Present:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, St. John, Shelby, Stewart, Teague, Vacca, Waldrop.

—31

## JOURNAL

On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Fourth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

OBIE J. LITTLETON,  
Acting Chairman.

## COMMITTEE REPORT

On motion of Mr. Littleton, the foregoing report was concurred in and the Journal of the Senate for the Fourth Legislative Day was approved by the Senate.

## LEAVE OF ABSENCE

On motion of Mr. St. John, leave of absence was granted Messrs. Jones, Roberts, and Wilson for today.

## MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to appointments on the Board of Trustees of the University of North Alabama.

Respectfully submitted,

HENRY B. STEAGALL, II,  
Executive Secretary.

Done this 15th day of February, 1977.

## MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I have appointed the following named persons as members of the Board of Trustees of the University of North Alabama:

Mr. Jesse Rush, Albertville, Alabama—Reappointed from the 7th Congressional District for the term expiring September 9, 1987.

Mr. Leonard Beard, Sheffield, Alabama—Appointed from the State-at-Large succeeding Harry L. Pennington for the term expiring September 9, 1987.

Mr. James L. Hunt, Tuscumbia, Alabama—Appointed from the State-at-Large succeeding Mack Adams for the term expiring September 9, 1987.

As these appointments must be confirmed by your Body, I herewith transmit them to you for such action as you deem right and proper.

Respectfully,

GEORGE C. WALLACE,  
Governor.

Done this 15th day of February, 1977.

## GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to appointments to the Board of Trustees of the University of North Alabama, was read and referred to the Standing Committee on Rules.

## MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to appointments on the Foreign Trade and Relations Commission.

Respectfully submitted,

HENRY B. STEAGALL, II,  
Executive Secretary.

Done this 15th day of February, 1977.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I have appointed the following named persons as members of the Foreign Trade and Relations Commission:

Mr. Guy L. Burns, Montgomery, Alabama—Appointed for the term expiring August 23, 1978.

Mr. Wilson Mann, Owens Cross Roads, Alabama—Appointed for the term expiring August 23, 1980.

Mr. Charles R. Mayton, Jr., Demopolis, Alabama—Appointed for the term expiring August 23, 1980.

Mr. Joseph Givhan, Mobile, Alabama—Appointed for the term expiring August 23, 1982.

Dr. James J. Hicks, Birmingham, Alabama—Appointed for the term expiring August 23, 1982.

As these appointments must be confirmed by your Body, I herewith transmit them to you for such action as you deem right and proper.

Respectfully,

GEORGE C. WALLACE,  
Governor.

Done this 15th day of February, 1977.

## GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to appointments to the Foreign Trade and Relations Commission, was read and referred to the Standing Committee on Rules.

## MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to appointments on the State Board of Corrections.

Respectfully submitted,  
HENRY B. STEAGALL, II,  
Executive Secretary.

Done this 15th day of February, 1977.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I have appointed the following named persons as members of the State Board of Corrections:

Mr. Richard H. Robinson, Alexander City, Alabama—From the 3rd Congressional District to fill the unexpired term of Thomas Bradford ending July 17, 1979.

Mr. C. E. Carmichael, Jr., Tuscumbia, Alabama—From the 5th Congressional District succeeding Yetta G. Samford for the term expiring July 17, 1985.

As these appointments must be confirmed by your Body, I herewith transmit them to you for such action as you may deem right and proper.

Respectfully,  
GEORGE C. WALLACE,  
Governor.

Done this 15th day of February, 1977.

#### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to appointments to the State Board of Corrections, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to appointments to the Board of Trustees of Jacksonville State University.

Respectfully submitted,  
HENRY B. STEAGALL, II,  
Executive Secretary.

Done this 15th day of February, 1977.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I have reappointed the following named persons as members of the Board of Trustees of Jacksonville State University:

Mr. Dwain G. Luce, Mobile, Alabama—From the 1st Congressional District—for the term expiring December 28, 1987.

Mrs. C. T. Fitzpatrick, Montgomery, Alabama—From the 2nd Congressional District—for the term expiring December 28, 1987.

Col. C. W. Doughtette, Jr., Gadsden, Alabama—From the 7th Congressional District—for the term expiring December 28, 1987.

As these appointments must be confirmed by your Body, I herewith transmit them to you for such action as you deem right and proper.

Respectfully,

GEORGE C. WALLACE,  
Governor.

Done this 15th day of February, 1977.

#### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to appointments to the Board of Trustees of Jacksonville State University, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the appointment of the Acting Director of the State Docks.

Respectfully submitted,

HENRY B. STEAGALL, II,  
Executive Secretary.

Done this 15th day of February, 1977.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Robert M. Hope,

Mobile, Alabama, as the Acting Director of the State Docks.

Respectfully,  
GEORGE C. WALLACE,  
Governor.

Done this 15th day of February, 1977.

#### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to appointment as Acting Director of the State Docks, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to appointments on the Board of Trustees of Alabama State University.

Respectfully submitted,  
HENRY B. STEAGALL, II,  
Executive Secretary.

Done this 15th day of February, 1977.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I have appointed the following named persons as members of the Board of Trustees of Alabama State University:

Mrs. L. W. Noonan, Mobile, Alabama—From the 1st Congressional District—for the term expiring January 31, 1982.

Dr. R. J. McLaughlin, Ozark, Alabama—From the 2nd Congressional District—for the term expiring January 31, 1982.

Mr. Ross Dunn, Shawmut, Alabama—From the 4th Congressional District—for the term expiring January 31, 1978.

Mr. A. A. Chandler, Vernon, Alabama—From the 4th Congressional District—for the term expiring January 31, 1978.

Mr. Robert L. Potts, Florence, Alabama—From the 5th Congressional District—for the term expiring January 31, 1980.

Mr. Louis J. Willie, Birmingham, Alabama—From the 6th Congressional District—for the term expiring January 31, 1978.

Mr. Andrew M. Hayden, Uniontown, Alabama—From the 7th Congressional District—for the term expiring January 31, 1982.

Mr. Robert L. Glynn, Tuscaloosa, Alabama—From the State-at-Large—for the term expiring January 31, 1980.

Mr. Tom Radney, Alexander City, Alabama—From the State-at-Large—for the term expiring January 31, 1980.

As these appointments must be confirmed by your Body, I herewith transmit them to you for such action as you deem right and proper.

Respectfully,  
GEORGE C. WALLACE,  
Governor.

Done this 15th day of February, 1977.

#### GOVERNOR'S MESSAGE

The following Message from His Excellency, the Governor, relative to appointments to the Board of Trustees of Alabama State University, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to appointments on the State Forestry Commission.

Respectfully submitted,  
HENRY B. STEAGALL, II,  
Executive Secretary.

Done this 15th day of February, 1977.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I have appointed the following named persons as members of the state Forestry Commission:

Mr. Scott Langley, Camp Hill, Alabama—Appointed to succeed the late Roy Morgan for the term expiring November 5, 1976.

Mr. Joe C. McCorquodale, Jr., Jackson, Alabama—Reappointed as an owner of timberland for the term expiring November 5, 1980.

Mr. William H. Stimpson, Mobile, Alabama—Reappointed as a registered forester and an owner of timberland for the term expiring November 5, 1980.

As these appointments must be confirmed by your Body, I herewith transmit them to you for such action as you may deem right and proper.

Respectfully,  
GEORGE C. WALLACE,  
Governor.

Done this 15th day of February, 1977.

#### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to appointments to the State Forestry Commission, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to appointments on the Alabama Air Pollution Control Commission.

Respectfully submitted,  
HENRY B. STEAGALL, II,  
Executive Secretary.

Done this 15th day of February, 1977.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I have appointed the following named persons as members of the Alabama Air Pollution Control Commission:

Mr. Richard Markle, Birmingham, Alabama—To fill the unexpired term of Charles E. Grainger ending October 1, 1977.

Mr. G. Alvon Dampier, Alabaster, Alabama—Succeeding Arthur A. Weeks for the term expiring October 1, 1978.

Mr. Ben Branscomb, Birmingham, Alabama—Reappointed for the term expiring October 1, 1979.

As these appointments must be confirmed by your Body, I herewith transmit them to you for such action as you may deem right and proper.

Respectfully,  
GEORGE C. WALLACE,  
Governor.

Done this 15th day of February, 1977.



## GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to appointments to the Alabama Air Pollution Control Commission was read and referred to the Standing Committee on Rules.

## MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to appointments on the Board of Trustees of the Alabama A. & M. University.

Respectfully submitted,

HENRY B. STEAGALL, II,  
Executive Secretary.

Done this 15th day of February, 1977.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I have appointed the following named persons as members of the Board of Trustees of the Alabama A. & M. University.

Dr. Wyman R. F. Grant, Sr. Mobile, Alabama—From the 1st Congressional District—for the term expiring January 31, 1978.

Robert Hughes, Florence, Alabama—From the 5th Congressional District—for the term expiring January 31, 1978.

Joe Cantalow, Jr., Birmingham, Alabama—From the State-at-Large—for the term expiring January 31, 1978.

Jack Snider, Guntersville, Alabama—From the 4th Congressional District—for the term expiring January 31, 1980.

Dr. P. T. Farrish, Huntsville, Alabama—From the 5th Congressional District—for the term expiring January 31, 1980.

Dr. Mamie Labon Foster, Birmingham, Alabama—From the 6th Congressional District—for the term expiring January 31, 1980.

James W. Coleman, Sawyerville, Alabama—From the 7th Congressional District—for the term expiring January 31, 1980.

Rev. Jesse F. McCloud, Enterprise, Alabama—From the 2nd Congressional District—for the term expiring January 31, 1982.

Mrs. Loma Mayfield, Opelika, Alabama—From the 3rd Congressional District—for the term expiring January 31, 1982.

Mrs. Sage Lyons, Mobile, Alabama—From the State-at-Large—for the term expiring January 31, 1982.

Harry L. Pennington, Huntsville, Alabama—From the State-at-Large—for the term expiring January 31, 1982.

As these appointments must be confirmed by your Body, I herewith transmit them to you for such action as you may deem right and proper.

Respectfully submitted,  
GEORGE C. WALLACE,  
Governor.

Done this 15th day of February, 1977.

#### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to appointments to the Board of Trustees of the Alabama A. & M. University, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to appointments on the Board of Trustees of the University of South Alabama.

Respectfully submitted,  
HENRY B. STEAGALL, II,  
Executive Secretary.

Done this 15th day of February, 1977.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I have appointed the following named persons as members of the Board of Trustees of the University of South Alabama:

Mr. W. M. Collins, Mobile, Alabama—Appointed from the 33rd Senatorial District succeeding John Tyson for the term expiring September 30, 1985.

Mr. Sam Sawyer, Elba, Alabama—Reappointed from the 25th Senatorial District for the term expiring September 30, 1985.

Mr. Harry Sonneborn, Theodore, Alabama—Appointed from the State-at-Large succeeding Roland Cooper for the term expiring September 30, 1985.

As these appointments must be confirmed by your Body, I herewith transmit them to you for such action as you deem right and proper.

Respectfully,

GEORGE C. WALLACE,  
Governor.

Done this 15th day of February, 1977.

#### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to appointments to the Board of Trustees of the University of South Alabama, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment on the Board of Trustees of the Alabama Institute for Deaf and Blind.

Respectfully submitted,

HENRY B. STEAGALL, II,  
Executive Secretary.

Done this 15th day of February, 1977.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I have reappointed, subject to your confirmation, Mr. Roy Robinson, Talladega, Alabama, from the 4th Congressional District, as a member of the Board of Trustees of the Alabama Institute for Deaf and Blind for the term expiring November 28, 1982.

Respectfully,

GEORGE C. WALLACE,  
Governor.

Done this 15th day of February, 1977.

#### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to appointment to the Board of Trustees of the Alabama Institute for Deaf and Blind, was read and referred to the Standing Committee on Rules.

## MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment of Brigadier General.

Respectfully submitted,  
HENRY B. STEAGALL, II,  
Executive Secretary.

Done this 15th day of February, 1977.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Ivan R. Smith, Childersburg, Alabama, to serve as Assistant Adjutant General, Army.

Respectfully,  
GEORGE C. WALLACE,  
Governor.

Done this 15th day of February, 1977.

## GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to appointment as Assistant Adjutant General, Army, was read and referred to the Standing Committee on Rules.

## MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment of Brigadier General.

Respectfully submitted,  
HENRY B. STEAGALL, II,  
Executive Secretary.

Done this 15th day of February, 1977.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Charles D. Kelley,

Montgomery, Alabama, Brigadier General to serve as Deputy Chief of Staff, Alabama Air National Guard.

Respectfully,  
GEORGE C. WALLACE,  
Governor.

Done this 15th day of February, 1977.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to appointment as Deputy Chief of Staff, Alabama Air National Guard was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment on the Board of Trustees of the University of North Alabama.

Respectfully submitted,  
HENRY B. STEAGALL, II,  
Executive Secretary.

Done this 15th day of February, 1977.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I have reappointed, subject to your confirmation, Mr. Laney L. West, Russellville, Alabama, from the 7th Congressional District, as a member of the Board of Trustees of the University of North Alabama for the term expiring September 9, 1983.

Respectfully,  
GEORGE C. WALLACE,  
Governor.

Done this 15th day of February, 1977.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to appointment to the Board of Trustees of the University of North Alabama, was read and referred to the Standing Committee on Rules.

## MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment on the Alabama Water Improvement Commission.

Respectfully submitted,  
HENRY B. STEAGALL, II,  
Executive Secretary.

Done this 15th day of February, 1977.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, David L. Thomas, Montgomery, Alabama, as a member of the Alabama Water Improvement Commission succeeding Henry Leslie for the term expiring December 1, 1979.

Respectfully,  
GEORGE C. WALLACE,  
Governor.

Done this 15th day of February, 1977.

## GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to appointment to the Alabama Water Improvement Commission, was read and referred to the Standing Committee on Rules.

## MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment on the Alabama Securities Commission.

Respectfully submitted,  
HENRY B. STEAGALL, II,  
Executive Secretary.

Done this 15th day of February, 1977.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, James D. Pruett, Gadsden, Alabama, as a member of the Alabama Securities Commission, succeeding Charles Stakely for the term expiring October 31, 1977.

Respectfully,  
GEORGE C. WALLACE,  
Governor.

Done this 15th day of February, 1977.

#### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to appointment to the Alabama Securities Commission, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to appointments to the Board of Trustees of Troy State University.

Respectfully submitted,  
HENRY B. STEAGALL, II,  
Executive Secretary.

Done this 15th day of February, 1977.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I have reappointed the following named persons as member of the Board of Trustees of Troy State University:

Honorable Jack Giles, Huntsville, Alabama—From the 8th Congressional District—for the term expiring October 24, 1987.

Honorable Jack W. Wallace, Clayton, Alabama—From the 3rd Congressional District—for the term expiring October 24, 1987.

Hon. Robert T. Wilson, Jasper, Alabama—From the 7th Congressional District—for the term expiring October 24, 1987.

As these appointments must be confirmed by your Body, I herewith transmit them to you for such action as you deem right and proper.

Respectfully,  
GEORGE C. WALLACE,  
Governor.

Done this 15th day of February, 1977.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to appointments to the Board of Trustees of Troy State University, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment on the Alabama Real Estate Commission.

Respectfully submitted,

HENRY B. STEAGALL, II,  
Executive Secretary.

Done this 15th day of February, 1977.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I have reappointed, subject to your confirmation, Mr. Roy F. Bragg, Birmingham, Alabama, from the 6th Congressional District, as a member of the Alabama Real Estate Commission for the term expiring September 30, 1981.

Respectfully,

GEORGE C. WALLACE,  
Governor.

Done this 15th day of February, 1977.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to appointment to the Alabama Real Estate Commission, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment on the Farmers' Market Authority.

Respectfully submitted,

HENRY B. STEAGALL, II,  
Executive Secretary.



Done this 15th day of February, 1977.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mr. Earl Goodwin, Selma, Alabama, from the 4th Congressional District, as a member of the Farmers' Market Authority to fill the unexpired term of the late Senator Walter Givhan ending February 1, 1978.

Respectfully,  
GEORGE C. WALLACE,  
Governor.

Done this 15th day of February, 1977.

#### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to appointment to the Farmers' Market Authority, was read and referred to the Standing Committee on Rules.

#### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 22. JOINING THE ALABAMA DEMOCRATIC CONGRESSIONAL DELEGATION IN RECOMMENDING AND URGING THE APPOINTMENT OF MR. CHARLES R. MITCHELL TO FILL THE VACANCY CURRENTLY EXISTING ON THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY.

Also:

S. J. R. 240. CONTINUING THE COMMITTEE CREATED BY ACT NO. 755, HJR 326, OF THE 1976 LEGISLATURE AND POSTPONING THE DAY FOR FILING ITS FINAL REPORT AND EXTENDING THE EXISTENCE OF SAID COMMITTEE.

OBIE J. LITTLETON,  
Acting Chairman.

#### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, respectively, and finds same correctly engrossed, to-wit:

S. 159. To provide that boards of control of local school systems, state public educational institutions and agencies make available payroll deduction of dues for the local affiliate of any general incorporated statewide educators' organization any labor organization or educators' organization if their employees request this service. Deduction of dues shall not be required for any organization which serves only persons employed in a particular subject matter area or that is not affiliated with a statewide educators organization which is incorporated under Alabama statutes.

OBIE J. LITTLETON,  
Acting Chairman.

### BILLS ON THIRD READING

The Bill:

H. 100. To adopt a Code of laws for the State of Alabama.

Was read a third time at length and passed.

Yeas 27; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, King, Little, Littleton, McDonald (S), Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, St. John, Shelby, Stewart, Vacca, Waldrop.

—27

*Nays:*

—0

Mr. Fine moved that the Senate reconsider the vote by which the Bill, S. B. 100, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

### BILLS RE-REFERRED

Mr. Mitchell moved that the Bill, S. B. 356, be removed from the Standing Committee on Insurance and re-referred to another Committee, which motion was adopted.

And the President and Presiding Officer of the Senate ordered said Bill, S. B. 356, re-referred to the Standing Committee on Business and Labor Relations.

Mr. Littleton moved that the Bill, H. B. 289, be removed from the Standing Committee on Local Legislation No. 1 and re-referred to another Committee, which motion was adopted.

And the President and Presiding Officer of the Senate ordered said Bill, H. B. 289, re-referred to the Standing Committee on Finance and Taxation.

### INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Fine:

S. 473. To provide for a law enforcement officers' bill of rights for all state, county and municipal law enforcement agencies in this state; defining certain rights of any officer accused of misconduct; providing for disciplinary hearings and adequate prior notice upon alleged misconduct of any officer; providing a uniform procedure for the composition of the complaint review boards of the various law enforcement agencies; providing that any law enforcement officer may bring civil suit for damages suffered while on official duty; providing for extraordinary emergency disciplinary action pending a full hearing on the allegations; providing that no officer may have disciplinary action taken against him by reason of exercising the rights granted hereby; providing for the receipt and processing of all written complaints; and providing sanctions by the district attorneys or state attorney by writ of injunction for noncompliance with the provisions of this Act; and repealing conflicting laws.

Committee on Judiciary.

By Mr. Clemon:

S. 474. To further amend Title 52, Section 151 of the Code of Alabama of 1940, as amended, which section relates to city boards of education, so as to increase the compensation of certain members in cities having a population of more than 300,000.

Committee on Local Legislation No. 2.

By Mr. Stewart:

S. 475. To further amend Act No. 21, H. 28, Special Session of the Legislature 1969 (Acts 1969, p. 46; now appearing in Code of Alabama, Recompiled 1958, Title 51, Sections 188(1-9), as amended, which act levied a tax on the gross receipts of utilities so as to provide further for the disposition of the proceeds from the revenue generated by such tax.

Committee on Commerce, Transportation,  
and Utilities.

By Mr. Stewart:

S. 476. To provide for the sale of a minimal quantity of energy to the indigent at a cost that is protected from rapid inflation and to provide that electrical and gas service to indigent citizens may not be discontinued if the local health board certifies that such would endanger the health of such citizens.

Committee on Commerce, Transportation,  
and Utilities.

By Mr. Stewart:

S. 477. To propose an amendment to the Constitution of Alabama providing for home rule for Cleburne County or any municipality within Cleburne County.

Committee on Local Legislation No. 1.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Stewart:

S. 478. To propose an amendment to the Constitution of Alabama providing for home rule for Calhoun County or any municipality within Calhoun County.

Committee on Local Legislation No. 1.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Little:

S. 479. To provide a state income tax deduction for resident taxpayers for child care expenses incurred when both spouses are gainfully employed on a substantially full-time basis and to provide that such deduction shall be governed by the same rules and regulations as such deduction provided for federal taxpayers under the Internal Revenue Service Code (26 U.S.C.A. 214).

Committee on Finance and Taxation.

By Mr. Little (with notice and proof):

S. 480. To provide that certain Lee County officers, i.e.: tax collector and tax assessor be placed on a salary; to provide further the amount and mode of payment; to establish clerk hire allowances for such officers, and to provide for the payment from the general funds of the county.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 480, as required by the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Perry:

S. 481. To rename the Intelligence Unit within the Department of Public Safety and to create the unit to be named Organized Crime Intelligence.

Committee on Finance and Taxation.

By Mr. Perry:

S. 482. To amend Section 185, subsections A, B, C, D, E, G, H, K, L, M, and N of Section 186, Section 191, subsections D, E and F of Section 201, paragraph (1) of subsection A and paragraph (3) of subsection C, and paragraph (4) of subsection G of Section 204, subsection B of Section 205, Section 209, Section 224, Section 225, and Section 251, Title 26, Chapter 4,

Code of Alabama 1940, as last amended, in order to expand coverage to employees of the State and its instrumentalities and to provide financing for the benefit costs for such employees, to extend coverage to employees of political subdivisions of this State, certain agricultural and domestic employers and public and nonprofit primary and secondary schools, to accelerate the recovery of the Trust Fund to a more solvent condition by increasing the employers' rate of contribution effective July 1, 1977 by one-half percent (but not above the present 4.0% maximum rate) and effective January 1, 1978, to increase the taxable wage base from the current \$4,800 and the federally required \$6,000 to \$6,600.

Committee on Finance and Taxation.

By Mr. Adams:

S. 483. To amend Section 413, Title 51, Code of Alabama 1940, which relates to exceptions to the general rule concerning period of limitation upon assessment and collection.

Committee on Finance and Taxation.

By Mr. Adams:

S. 484. To provide safeguards for federal tax return information used in the administration of Alabama revenue laws and to provide penalties for the misuse of such information.

Committee on Finance and Taxation.

By Mr. Adams:

S. 485. To amend Section 52 (1) (a), Title 36, Code of Alabama 1940, (Section 1(a), Act No. 220, Extra Session 1967, p. 277, approved May 10, 1967) to provide that persons arrested for violations of the motor fuel laws, Sections 665 (39) through 665 (54), Title 51, Code of Alabama 1940, as amended may deposit their chauffeur's or driver's license with the arresting officer or the court in lieu of any other security.

Committee on Judiciary.

By Mr. Adams:

S. 486. To amend Section 1, Act No. 393, Regular Session 1967 to provide that the Commissioner of Revenue may designate in writing agents or employees of the Department of Revenue, State of Alabama as peace officers with full police power to enforce the Alabama uniform certificate of title and auto theft laws.

Committee on Finance and Taxation.

By Mr. Adams:

S. 487. To amend Section 2 of Act No. 1299, Regular Session, 1973, P. 2214 relating to the functions, powers, and duties of the Division of Data Systems Management.

Committee on Finance and Taxation.

By Mr. McMillan:

S. 488. To amend Section 15 of Act No. 565 adopted at the 1976 Regular Session so as to provide that the pledges of the taxes and fees authorized to be made as security for \$212,000,000 principal amount of

Obligations of the State authorized in said Act No. 565 shall be subject and subordinate to all pledges of the said taxes and fees that may hereafter be made as security for \$40,000,000 principal amount of bonds of Alabama Highway Authority and \$25,000,000 principal amount of bonds of Alabama Highway Finance Corporation.

Committee on Finance and Taxation.

By Mr. McMillan:

S. 489. To amend the title and Sections 7 and 9 of Act No. 228 adopted at the 1965 Regular Session of the Legislature of Alabama so as to provide that no bond issued under said Act No. 228 may mature more than twenty years from its date; and so as to appropriate and pledge funds necessary to pay the principal of and interest on bonds hereafter issued under said Act No. 228.

Committee on Finance and Taxation.

By Mr. Ellis:

S. 490. To amend Act No. 276, S. 170, 1971 Third Special Session (Acts of 1971, p. 4543) (now appearing in Code of Alabama, Recompiled 1958, Title 23, Section 64(17)-64(35)) amending Sections III, IV, VI, VII, XI, XII, and XIII of such act known as the "Highway Beautification Act—Outdoor Advertising"; so as to provide control of outdoor advertising signs outside of an urban area beyond 660 feet of the right-of-way of interstate or primary highway systems; to provide for Court proceedings, evidentiary matters and procedures; to provide for just compensation for removal of such signs; to provide for a permit fee for the erection of such signs; and to provide penalties for violations.

Committee on Commerce, Transportation,  
and Utilities.

By Mr. Ellis:

S. 491. To require any state agency, board, commission or committee promulgating directives, rules or regulations which carry the effect and force of law to give reasonable public notice; to provide the manner of notice; to provide interested parties the opportunity for hearings pertaining to any adoption, amendment to or proposed change in such directives, rules or regulations and the right to appeal; to provide for the compilation, indexing, and publication for the rules and regulations; to provide for penalties for the violations of this Act; and to designate this Act the "Administrative Procedures Act."

Committee on State Government.

By Mr. Ellis:

S. 492. To vest regulatory authority over hazardous wastes management in the State Board of Health; to authorize the Board to purchase, lease, and administer lands to be used as disposal sites for hazardous wastes; to vest perpetual responsibility for such sites in the State of Alabama; to establish the Hazardous Wastes Technical Advisory Committee; to place certain responsibilities for hazardous waste management upon the Board of Health, generators of waste, transporters, and persons operating disposal treatment or disposal sites; to require permits to transport and operate treatment or disposal sites for hazardous

wastes; to require reporting of wastes generated by the generator as such; to require the use of a manifest; to provide for penalties and remedies; to provide for administration and enforcement; to declare violations to be a public nuisance per se; to allow appeal; and to establish the Hazardous Wastes Management Fund and to make appropriations therefrom.

Committee on Health and Welfare.

By Mr. Mitchell:

S. 493. To provide for the qualifications and selection of jurors; to provide for a master list, master jury box and trial court box; to provide for qualification forms and the questionnaires to be used thereon; and to repeal Sections 3, 4, 15, 18, 20, 21 and 24 of Title 30 of the Code of Alabama.

Committee on Judiciary.

By Mr. Goodwin:

S. 494. To amend Title 5, Section 27, Alabama Code, so as to provide that call reports shall be transmitted by each state bank to the superintendent of banks within thirty days after the receipt of a request therefor from him; to provide further that any state bank failing to transmit such call report within the thirty-day period shall pay a penalty to the state banking department of one hundred dollars per day.

Committee on Banking.

By Mr. Goodwin:

S. 495. To amend Title 5, Section 185, Alabama Code, relating to directors of banks or trust companies doing a banking business organized under Alabama law; to change the residence requirements by providing that at least three-fourths of the directors of every such bank or trust company shall meet one of the following requirements: (a) They shall reside in the State of Alabama, (b) They shall reside outside the State of Alabama, but within fifty miles of the principal place of business of such bank or trust company.

Committee on Banking.

By Mr. Bank:

S. 496. To amend Sections 3, 4, 5 subsection (c), Section 7, subsections (a) and (c), and Section 8 of Act No. 863, 1975 Regular Session, approved October 7, 1975, which established the Alabama Firefighters' Personnel Standards and Education Commission, so as to provide further for the executive secretary and clerical assistants of the Commission, to provide that the members of this Commission shall receive per diem for each meeting plus travel expenses as provided by state travel law, to provide a quorum shall be a majority of the members, to correct reference to Section 8 to read "Section 7", to amend minimum age to 18, and to further provide a 12 months period for applicant to complete 240 hours training.

Committee on Finance and Taxation.

By Mr. Owen:

S. 497. To make further appropriations to the Auburn University Cooperative Extension Service from the Alabama Special Educational Trust Fund for the Fiscal Year ending September 30, 1977.

Committee on Finance and Taxation.

By Mr. Owen:

S. 498. To require property coming into the possession of the State of Alabama, any political subdivision thereof or any municipality by reason of the United States Surplus Property Act of 1944 for public airport purposes to be used in conformity with the stipulations in the deed or grant thereof from the United States; and to repeal Act No. 1186, H. 1278, 1975 Regular Session and all other laws and parts of laws in conflict herewith.

Committee on Finance and Taxation.

By Mr. Perloff:

S. 499. To amend Title 51, Section 442, Code of Alabama Recompiled 1958, concerning liens for Estate Tax purposes.

Committee on Judiciary.

By Mr. Perloff:

S. 500. To provide that the State Oil and Gas Board shall be the sole state agency with jurisdiction and authority over the drilling of any oil and gas wells within this state and to provide that the state oil and gas supervisor shall make all rules and regulations to implement this act.

Committee on Seaports and Inland Waterways.

By Mr. Noonan:

S. 501. Proposing an amendment to the Constitution of 1901, which prescribes the manner counties, cities and other political subdivisions may issue bonds or other securities if the county or municipality has home rule.

Committee on Constitution and Elections.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Noonan:

S. 502. Proposing an amendment to the Constitution of 1901, which prescribes the manner counties, cities and other political subdivisions may issue bonds or other securities.

Committee on Constitution and Elections.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Noonan:

S. 503. Proposing an amendment to Section 284 of the Constitution



of 1901, as last amended, which provides for the mode of amending the Constitution.

Committee on Constitution and Elections.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Mims:

S. 504. To provide that no insurance company doing business in this state shall deny a claim for failure of the claimant to promptly notify the company of the loss, unless the company proves actual pecuniary prejudice resulted to the company by reason of such delay in notice.

Committee on Insurance.

By Mr. Noonan:

S. 505. To authorize a transfer between certain funds of the State Docks Department, amending Section 15 of Act No. 311, H. 253, approved August 20, 1957, an act providing for development of inland docks (Acts of Alabama 1957, Vol. I, P. 408), and providing that the amendment shall have retroactive effect.

Committee on Seaports and Inland Waterways.

By Mr. Powell:

S. 506. Relating to registration of electors; to authorize and provide for registration or change of registration by mail; to prescribe the application form; to prohibit certain acts and provide penalties for violation; and to provide that the act shall become effective upon ratification of an enabling constitutional amendment.

Committee on Constitution and Elections.

By Messrs. Pearson, Clemon, Vacca, McMillan, Ellis, Gilmore and Littleton:

S. 507. To name the student union building being built at Lawson State Junior College in Birmingham, Alabama "The Leon Kennedy Building."

Committee on State Government.

By Mr. Shelby:

S. 508. Relating to registration of electors; to authorize and provide for registration or change of registration by mail; to prescribe the application form; to provide for registration by agent; to prohibit certain acts and provide penalties for violation; and to provide that the act shall become effective upon ratification of an enabling constitutional amendment.

Committee on Constitution and Elections.

By Mr. Shelby:

S. 509. To create the office of Deputy District Attorney No. 6 of the Sixth Judicial Circuit and provide for the appointment, duties, and compensation of such office.

Committee on Local Legislation No. 1.

By Mr. Shelby:

S. 510. To amend Act No. 754, S. 231, Regular Session 1976 (Acts 1976, p. 1038), relating to certain alternative sentencing of convicted offenders, so as to provide further for the period of time for which an offender may be incarcerated.

Committee on Judiciary.

By Mr. Shelby:

S. 511. To propose an amendment to the Constitution empowering the legislature to enact legislation providing for registration of electors by mail.

Committee on Constitution and Elections.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Mims:

S. 512. To further amend Section 33 of Act No. 100, H. 94, 1959 Second Special Session (Acts of 1959, p. 315), as amended, entitled "An Act To raise revenue; levying a privilege or license tax against persons on account of certain business activities; prescribing the rate thereof and exemptions therefrom; superseding Article 10 of Chapter 20, Title 51, Code of Alabama 1940, as amended and supplemented," so as to exempt LP gas used by agricultural producers from the state sales tax.

Committee on Finance and Taxation.

### UNANIMOUS CONSENT GRANTED

Mr. Mitchell requested and received unanimous consent to have his name added as co-sponsor of the Bill, S. B. 115.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Dial and McNees:

H. J. R. 53. NAMING THE HIGHWAY 49 BRIDGE IN CLAY COUNTY "THE HENRY DAVID RILEY BRIDGE."

WHEREAS, Henry David Riley, the eldest son of eleven children, was a member of one of the pioneer families of Clay County; and

WHEREAS, Mr. Riley worked tirelessly in various occupations: Farming, construction, saw milling, and later opened his own grocery store, believing emphatically in the old-fashioned virtues of thrift, hard work, discipline, God and country; and

WHEREAS, the people of Clay County wish to honor Mr. Riley, a man whose generosity, respect and empathy for his fellow man endeared him to everyone who knew him, and whose untimely death in 1962 grieved all of Clay County; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we wish to memorialize this outstanding citizen of Clay County and do hereby resolve that the Highway 49 Bridge in Clay County be named "The Henry David Riley Bridge."

RESOLVED FURTHER, That the highway director shall, as soon as possible, provide and erect signs so designating the newly-named bridge.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Mr. Stewart, the Rules were suspended and the Resolution, H. J. R. 53, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Messrs. Wyatt, Smith (C), Warren, McCulley, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCorquodale, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Weeks, Whatley, White and Williams:

H. J. R. 61. CONGRATULATING REPRESENTATIVE RUFUS LEWIS ON BEING NOMINATED FOR THE POSITION OF UNITED STATES FEDERAL MARSHAL.

Also:

By Messrs. McCulley, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCorquodale, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith

(C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt:

H. J. R. 62. MOURNING THE DEATH OF GROVER LAMAR AGEE.

Also:

By Mr. Biddle:

H. J. R. 64. PRAISING THE AWFUL TALENTS AND MANY ACCOMPLISHMENTS OF JOHN ED WILLOUGHBY.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolutions, H. J. R.'s 61 and 62 set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

On motion of Mr. Gilmore, the Rules were suspended and the Resolution, H. J. R. 64, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

### REPORTS OF COMMITTEES

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Clemon (With Substitute):

S. 207. To provide sick leave for full-time support personnel who are non-certificated educational employees in city and county school systems and the Alabama Institute for Deaf and Blind and to appropriate \$350,000 to carry out the provisions of this Act.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Owen and Noonan:

S. 459. Proposing an amendment to the Constitution of Alabama further amending Section 144, Article VI, of the Constitution of Alabama; providing for a Probate Court in each county, with general jurisdiction of orphans' business, and adoptions, and with power to grant Letters Testamentary, and of Administration and of Guardianships, and such further jurisdiction as may be provided by law.

The above Bill was read a second time at length as required by the Constitution.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the

following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Owen (With Substitute):

S. 458. To further regulate public utilities and protect the public welfare; to create the Committee on Public Utilities; to prescribe the powers, duties, and responsibilities of the members and their compensation therefor; to require certain functions of the department of examiners of public accounts; to make appropriations from certain fees paid to the Public Service Commission and, as necessary, from the general fund of the state treasury.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Gilmore:

S. 337. To provide that members of the Enforcement Division of the Public Service Commission designated in writing by the Public Service Commission shall have the powers of peace officers and deputy sheriffs in this State and may exercise such powers anywhere within the State.

By Mr. Owen:

S. 462. To further amend Section 712 of Title 51 of the Code of Alabama 1940 as heretofore amended so as to extend by ten days the time allowable for disbursing the money the probate judge receives in respect of motor vehicle licenses and registration fees and to extend by ten days the time allowable to the probate judge for forwarding to the Comptroller and the Department of Revenue a certified list of all motor vehicle licenses issued by the probate judge during the preceding month.

By Mr. Owen:

S. 463. To amend Sections 9 and 13 of Title 48, Code of Alabama 1940, relating to the organization and personnel of the public service commission, so as to further prescribe certain administrative authority for the president of said commission.

By Mr. Mims:

S. 456. To amend the title and Section 1 of Act No. 638, H. 234 of the 1976 Regular Session (Acts 1976, Vol. II, p. 886), so as to transfer all funds collected thereunder into a fund to be designated as "Probationers' Upkeep Fund" and to have all such funds subsequently collected deposited in the state treasury to the credit of that fund for the use by the Board of Pardons and Parole for the purposes stated in said section; and to make an immediate appropriation from the funds collected pursuant to the act.

By Mr. Mims:

S. 351. To provide for the leasing of board of corrections land for farming purposes by means of competitive public bids, to natural persons who are residents of the State of Alabama.

By Mr. Owen:

S. 457. To further amend Section 847 of Title 51 of the Code of Alabama 1940 as heretofore amended by extending each of the time limits set out in said Section 847 by an additional ten days.

By Mr. Pearson:

S. 199. To provide that such funds as are necessary to have the commentary prepared by the Alabama Law Institute printed, as editor's notes or otherwise, to the act that S. B. 47 of the 1976 Regular Session will become, when said act is codified or published in code form, be appropriated from the general funds in the state treasury.

By Mr. King:

S. 179. To appropriate \$7,000.00 from the Special Education Trust Fund for the purpose of sending the Lee High School Band of Huntsville to Washington, D. C. to represent Alabama in the presidential inauguration parade.

By Mr. Jones:

S. 122. To provide a cost of living increase be paid to certain retired members of the Employees' Retirement System of Alabama in the same manner and from the same source of funds as is provided in Section 8 of Act No. 515, H. 93 of the 1945 Regular Session, as amended (Acts 1945, p. 734); and to make appropriations sufficient to cover the cost of such increased payments.

Mr. Fine, Chairman of the Standing Committee on Banking, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Gafford, Biddle, Callahan, Sasser, Clark, Armstrong, McNees, Weeks, Coburn, Crawford, Carter, Waggoner, Owens, Starkey, Falkenburg, White, Smith (J), Sonnier, Roberts, Martin, Lutz, Pegues, Moore (O), Plaster, McMillan, Sandusky, Baker, Higginbotham, Whatley, Quarles, Cross, Moore (W), Carothers, Brindley, Albright and Morris:

H. 86. Relating to the regulated loan business; providing for regulation, examination, investigation, and licensing of individuals, firms, and corporations engaged in the business of making regulated loans and for the suspension and revocation of licenses issued hereunder for specified reasons; prescribing maximum rates of interest and other charges for loans; providing for the administration and enforcement of the Act, prescribing penalties, providing for the proper repeal of existing laws, including Section 18 (f) of Act No. 2052, S. B. 122 of the Regular Session of 1971, approved October 1, 1971, relating to loans over \$300.00 and Act No. 374, H. B. 102 of the Regular Session of 1959, approved November 6, 1959, relating to the small loan business and Act No. 159, H. B. 233, approved June 23, 1945 (General Acts of Alabama, 1945, page 200), relating to the small loan business and providing for regulation of the same.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on

the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Jackson (F), Smith (J) and Holley:

H. 252. To amend Section 1 of Act No. 441, H. 916, 1976 Regular Session (Acts 1976, p. 542) entitled "An Act Relating to counties having populations of not less than 34,000 nor more than 34,800 according to the most recent federal decennial census; to provide an additional expense allowance for members of the governing body of any such county payable out of county funds," so as to change the amount of the additional expense allowance and to make the provisions of the Act retroactive.

By Mr. Dial:

H. 51. To amend Section 1 of Act No. 165, H. 130, 1971 Special Session (Acts of 1971, p. 4413), entitled, "An Act Relating to counties having a population of not less than 10,900 nor more than 11,500 according to the most recent federal decennial census; to provide for the payment of a clerk hire allowance in the Probate Judge's office of such counties," so as to increase the amount of such allowance; to provide that such allowance shall be paid from any available county funds and to provide that the provisions of this act shall be retroactive to January 17, 1977.

By Mr. Dial:

H. 52. To provide an expense allowance for the coroner and to authorize the coroner to appoint a deputy coroner in all counties having a population of not less than 10,900 nor more than 11,500 inhabitants according to the 1970 or any subsequent federal decennial census.

By Mr. Dial (with notice and proof):

H. 135. Relating to Clay County; to change the method of compensating the judge of probate, the tax assessor, the tax collector, the clerk of the circuit court and the register of the circuit court; and to fix the compensation for each of such officers, subject to the ratification of a constitutional amendment.

By Messrs. Merrill, Shelton and Holmes (D):

H. 372. Relating to counties having a population of not less than 95,000 nor more than 115,000 inhabitants according to the 1970 or any subsequent federal decennial census; further amending Section 1 of Act No. 460, H. 516 of the 1967 Regular Session (Acts 1967, p. 1151), as amended, which act regulates the operation of food stores subject to the Sunday closing statutes and provides certain exemptions thereto, so as to prohibit the operation of such stores with more than five employees.

By Mr. Jones:

S. 94. Relating to counties having a population of not less than 150,000 nor more than 180,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide that certain homebaked or homemade goods shall not be subject to the regulations of any state or county health department.

By Mr. Little:

S. 244. To authorize the county governing body of counties having a population of not less than 17,000 nor more than 20,000 inhabitants according to the 1970 or any subsequent federal decennial census to establish the position of deputy coroner and to set and pay from the county general fund the salary and any reasonable expense allowance for such office; and to prescribe the duties of such office.

By Messrs. Mitchell and Powell (with notice and proof):

S. 406. Relating to Crenshaw county; to provide that the sheriff shall be entitled to the allowance payable by the state for feeding prisoners; to provide that the provisions of this act shall be retroactive.

By Messrs. Mitchell and Powell (with notice and proof):

S. 408. Relating to Crenshaw County; to provide for the employment of clerks, secretaries, and clerical assistants to perform duties in the Office of the Judge of Probate and in the Office of the Sheriff of Crenshaw County; to provide for the salaries of all such employees; and to authorize the Crenshaw County Commission or other like governing body to pay salaries or any portion thereof of existing and future clerks, secretaries and clerical assistants employed by the Judge of Probate and the Sheriff and who are performing duties in such respective offices.

By Messrs. Mitchell and Powell (with notice and proof):

S. 407. Relating to Crenshaw County; further implementing Section 9 of Act No. 160, H. 59 of the 1971 Second Special Session (Acts 1971, p. 4404), relating to statewide property reappraisal; authorizing the Crenshaw County Commission to employ appraisers, mappers, and clerical personnel to maintain current evaluation of all real property and the evaluation of personal property.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Howard and Armstrong:

H. J. R. 59. MOURNING THE DEATH OF CLINTON LEWIS.

WHEREAS, the Legislature of Alabama has noted with a sense of deep regret the recent death of Clinton Lewis of Bessemer, Alabama; and

WHEREAS, this body is aware that Mr. Lewis, a longtime labor leader in Alabama, also contributed immeasurably to the enrichment and betterment of religious and civic affairs of his community; and

WHEREAS, Clinton Lewis was a man who gained the respect and fond feelings of all those who knew him, he will be long remembered and sadly missed by his family and many friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do greatly mourn



and regret the recent death of Clinton Lewis and express our deep and heartfelt sympathy to his family, to whom a copy of this resolution shall be sent.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolution, H. J. R. 59, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Mr. Sparks:

H. J. R. 42. COMMENDING AND PRAISING THE ADDISON HIGH SCHOOL FOOTBALL TEAM FOR WINNING THE 1976 STATE 1A CHAMPIONSHIP.

Also:

By Mr. Dial:

H. J. R. 43. RECOGNIZING AND COMMENDING THE HONORABLE JOHN BUNYAN TOLAND ON HIS COMPLETION OF SIX YEARS OF OUTSTANDING AND DEDICATED PUBLIC SERVICE.

Also:

By Mr. McCluskey:

H. J. R. 44. CONGRATULATING MRS. JANICE PROCTOR UPON BEING NAMED 1976 CITIZEN OF THE YEAR FOR TALLADEGA COUNTY.

Also:

By Messrs. Venable and Plaster:

H. J. R. 48. COMMENDING AND CONGRATULATING THE ELMORE COUNTY HIGH SCHOOL FOOTBALL TEAM FOR WINNING THE STATE 2A FOOTBALL CHAMPIONSHIP.

Also:

By Messrs. Venable, McNees, Plaster, Wyatt and Morris:

H. J. R. 49. MOURNING THE DEATH OF JOHN EDWARD O'BRIEN OF TALLASSEE.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolutions, H. J. R.'s 42, 43, 44, 48, and 49 set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

## RESOLUTIONS

Mr. Powell offered the following Senate Resolution, to-wit:

S. R. 243. Requesting an advisory opinion of the Justices of the Supreme Court relative to Senate Bills 195 and 196.

BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF ALABAMA, That we respectfully request the honorable Chief Justice and Associate Justices of the Supreme Court, or a majority of them, to give this body their written opinions on the following important constitutional questions which have arisen concerning the pending bills, Senate Bills 195 and 196.

1. If enacted, would these bills which allow corporations and individuals to claim operating losses as deductions on state income taxes violate Article 70 of the Constitution of Alabama?

2. If enacted, would these bills violate Article 100 of the Constitution of Alabama?

RESOLVED FURTHER that the Secretary of the Senate is hereby directed to send nine true copies of the pending bills, S. B. 195 and S. B. 196, to the Clerk of the Supreme Court of Alabama, and to transmit this request to the Justices of the Supreme Court forthwith upon adoption of this Resolution.

On motion of Mr. Powell, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. King, McDonald (A), and Baker offered the following Senate Joint Resolution, to-wit:

S. J. R. 244. MOURNING THE DEATH OF DR. KENNETH E. JOHNSON.

WHEREAS, the Legislature of Alabama has just learned, with a sense of deep regret of the death of Dr. Kenneth E. Johnson in Huntsville, Alabama on Sunday, February 13, 1977; and

WHEREAS, Kenneth E. Johnson, who was a native of Huntsville, attended Berea College in Kentucky where he maintained an "A" average, received his B. S. degree from the University of Alabama and his PH D. from Iowa State University; and,

WHEREAS, Dr. Johnson, Director of the Center for Environmental and Energy Studies, was a former member and president of the Huntsville City Council from 1968 to 1970, who came to the University of Alabama at Huntsville as director of CEES in September, 1971 after two years with the Alabama Development Office in Montgomery; and

WHEREAS, while working in Montgomery, he was Science Advisor to Governor George C. Wallace, a position he held for a number of years during which time he also was a member of the Fifty State National

governors' Council for Science and Technology, serving as this organization's secretary-treasurer, and was chairman of Region I, Alabama Regional Environmental Quality Control; and

WHEREAS, Dr. Johnson was a key person in obtaining a \$3,000,000 grant for Auto Check Resources Facilities which was awarded for the state and operated under a contract from UAH, he also was very active in the initial stages of local efforts to present Huntsville to the federal government as a likely site for the Solar Energy Research Institute, setting up five local committees to prepare feasibility reports to promote Huntsville for this facility location; and

WHEREAS, his interest and activities in professional, charitable and civic areas extended further to include membership in the Huntsville Rotary Club, The Twenty-five Club, Community Council, Board of Directors for the Salvation Army, the formation and first Chairman of the Board of the Lincoln Girls' Club, member of the Alabama-Mississippi Sea Grant Management Committee, and innumerable other organizations; and

WHEREAS, Kenneth Johnson was a man of great proven ability who dedicated his life to contributing invaluable to the technological advancement of his state and nation, and will be profoundly missed by his family, friends and associates; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That, together with all citizens of our state, we are greatly grieved by the death of Dr. Kenneth E. Johnson, and share with his family in their great loss.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to his wife Betty, their sons, David and John, and to their daughters, Susan and Jenny, that they may know of our heartfelt sympathy.

On motion of Mr. King, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. King, Baker, and McDonald (A) offered the following Senate Joint Resolution, to-wit:

S. J. R. 245. COMMENDING THE LEE HIGH SCHOOL BAND OF HUNTSVILLE ON BEING THE GOVERNOR'S SELECTION FOR REPRESENTING OUR STATE IN THE PRESIDENTIAL INAUGURATION.

WHEREAS, our state's already nationally famous Lee High School Band of Huntsville was honored once again by being selected to represent Alabama at the President's Inauguration in Washington, D. C.; and

WHEREAS, after countless hours of dedicated practice and preparation, Huntsville's Lee High Band performed with precision, and with music that "vibrates in the memory"; and

WHEREAS, much credit is due to Director Bob Baccus for the high degree of technical skill displayed by the band and to the band members' parents, principal Jasper Jenkins, and to the entire community for their faithful support; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we enthusiastically congratulate and highly commend the Lee High School Band of Huntsville for this, another, in a long list of impressive achievements and awards.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Principal Jenkins and to Band Director Bob Baccus.

On motion of Mr. King, the Rules were suspended and the Resolution was adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Smith (J):

H. J. R. 70. REQUESTING THE STATE BOARD OF PARDONS AND PAROLE TO REVIEW CASES INVOLVING INMATES WHO ARE SERVING EXCESSIVE SENTENCES FOR VIOLATION OF MARIJUANA LAWS AND WHOSE RELEASE WOULD NOT REPRESENT A THREAT TO SOCIETY.

WHEREAS court records and prison files indicate that many young offenders are serving excessive sentences in the State Penitentiary for violation of Marijuana laws; and

WHEREAS many of these young offenders have no prior criminal records suggesting that their release would not represent a threat to society; and

WHEREAS many of these offenses involved no use of violence or the threat of violence; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the State Board of Pardons and Paroles be requested to review all cases that fall into this category with a view toward releasing those deserving inmates whose release would be compatible with society's welfare.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The Resolution, H. J. R. 70, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Smith (B), Riddick, Lutz, Gregg, Albright, Moore (W) and Martin:

H. J. R. 66. TO NAME THE CENTER FOR ENVIRONMENTAL AND ENERGY STUDIES AT THE UNIVERSITY OF ALABAMA IN HUNTSVILLE, ALABAMA IN HONOR OF DR. KENNETH E. JOHNSON.

WHEREAS, the idea of an Alabama Solar Energy Center in Huntsville to support state needs was conceived by Dr. Kenneth E. Johnson, Director of the Center for Environmental and Energy Studies at the University of Alabama in Huntsville; and

WHEREAS, Dr. Kenneth E. Johnson has been active in environmental and energy research studies and programs throughout the State of Alabama; and

WHEREAS, the State of Alabama now proposes to designate and implement a Solar Energy Center; and

WHEREAS, the unusual scope and integration of resources to be offered by the Alabama Solar Energy Center are a function of its distinctive nature as conceived by Dr. Kenneth E. Johnson; now, therefore:

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING; That the Center for Environmental and Energy Studies be named the Kenneth E. Johnson Environmental and Energy Center in honor of the late Dr. Kenneth E. Johnson.

BE IT FURTHER RESOLVED; That the proper authorities at said center shall cause the facility to be so designated by signs or otherwise.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolution, H. J. R. 66, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

#### BILL RE-REFERRED

Mr. Littleton moved that the Bill, H. B. 203, be removed from the Standing Committee on Local Legislation No. 1 and referred to another Committee, which motion was adopted.

And the President and Presiding Officer of the Senate ordered said Bill, H. B. 203, re-referred to the Standing Committee on Finance and Taxation.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Manley:

H. J. R. 71. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, THAT when the two houses adjourn today they adjourn to meet again on Thursday, February 17, 1977, and that when they adjourn on Thursday, February 17,

1977, they adjourn to meet again on Wednesday, February 23, 1977, and when they adjourn on Wednesday, February 23, 1977, they will adjourn to meet again on Thursday, February 24, 1977.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolution, H. J. R. 71, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 17. CONDEMNING THE U. S. S. R. FOR ITS REFUSAL TO ADHERE TO THE TERMS OF THE 1973 UNITED NATIONS DECLARATION OF HUMAN RIGHTS AND THE 1975 CONFERENCE ON EUROPEAN SECURITY AND COOPERATION.

Also:

S. J. R. 18. MOURNING THE DEATH OF WILMER S. POYNOR, JR.

Also:

S. J. R. 19. COMMENDING JOE SEWELL ON BEING ELECTED TO THE BASEBALL HALL OF FAME.

Also:

S. J. R. 21. WISHING KAREN LEWIS A HAPPY BIRTHDAY.

Also:

S. J. R. 23. COMMENDING CLETE QUICK FOR HIS OUTSTANDING CONTRIBUTIONS TO THE NORTH ALABAMA LEGISLATIVE COUNCIL.

Also:

S. J. R. 235. COMMENDING AND PRAISING JERRY BOYD, TERRY SPAIN, BEVERLY BASHAM AND JIM RANKIN.

Also:

S. J. R. 236. COMMENDING AND PRAISING JIM ROMBOKAS AND GARY WHITLOW FOR BRAVERY.

JOHN W. PEMBERTON,  
Clerk.

### BILLS ON THIRD READING RESUMED

The Bill:

S. 195. To allow as a deduction for the taxable year an amount equal

to the aggregate of the net operating loss carryover to such year, plus the net operating loss carrybacks to such year.

was taken up.

On motion of Mr. Vacca, consideration of the Bill, S. B. 195, was postponed until the Seventh Legislative Day.

The Bill:

S. 196. To allow as a deduction for the taxable year an amount equal to the aggregate of the net operating loss carryover to such year, plus the net operating loss carrybacks to such year.

was taken up.

On motion of Mr. Vacca, consideration of the Bill, S. B. 196, was postponed until the Seventh Legislative Day.

The Bill:

S. 65. To prescribe that any person traveling by commercial airline in the authorized service of the state shall be reimbursed for such transportation in an amount not to exceed the tourist fare.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 28; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Powell, St. John, Stewart, Vacca, Waldrop.

—28

*Nays:*

—0

The Bill:

S. 49. To amend Section 2 of Act No. 512, S. 128, Regular Session 1976 (Acts 1976, p. 640) so as to exempt from the application of the Alabama Sunset Law of 1976 institutions of higher education.

was taken up.

Mr. McDonald (A) moved that consideration of the Bill, S. B. 49, be postponed until the next Legislative Day.

On motion of Mr. Bank, motion to postpone was laid on the table.

Yeas 20; Nays 7.

*Yeas:*

Messrs. Adams, Baker, Bank, Fine, Gilmore, Goodwin, Little, Littleton, McDonald (S), Miller, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, St. John, Stewart, Vacca, Waldrop.

—20

*Nays:*

Messrs. Edwards, Ellis, King, McDonald (A), McMillan, Peden, Powell.

—7

Mr. Edwards offered the following amendment to the Bill, S. B. 49, to-wit:

AMENDMENT TO S. B. 49

Amend Senate Bill No. 49, Page 1, Line 32, by inserting after the word "Education" the following:

"including two (2) year institutions.

Mr. Bank moved that said amendment be laid on the table, which motion was lost.

Yeas 1; Nays 24.

*Yea:* Mr. Bank.

—1

*Nays:*

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Peden, Perloff, Powell, St. John, Stewart, Vacca.

—24

The question was then on the amendment offered by Mr. Edwards, and said amendment was then adopted by the Senate.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Powell, St. John, Stewart, Vacca.

—25

*Nays:*

—0

And said Bill, S. B. 49, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 28; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Powell, St. John, Shelby, Stewart, Vacca, Waldrop.

—28

*Nays:*

—0



## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 100. To adopt a Code of laws for the State of Alabama.

JOHN W. PEMBERTON,  
Clerk.

## SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

## BILLS ON THIRD READING RESUMED

The Bill:

S. 24. To prohibit the use of state vehicles by state employees, appointed or merit system, except when on official duty for the state; and providing penalties for violations.

was taken up.

Mr. Baker offered the following amendment to the Bill, S. B. 24, to-wit:

## AMENDMENT TO S. B. 24

Amend Senate Bill No. 24, Page 1, Line 15, by inserting after the words "State vehicles" the words, "and airplanes"

and at line 21 after the words "state vehicles" add the words "and state airplanes."

Which was adopted.

Yeas 19; Nays 4.

*Yeas:*

Messrs. Baker, Clemon, Edwards, Ellis, Gilmore, King, Little, McDonald (A), McDonald (S), McMillan, Mitchell, Noonan, Owen, Pearson, Peden, Powell, Shelby, Stewart, Vacca.

— 19

*Nays:* Messrs. Fine, Goodwin, Littleton, St. John.

— 4

Mr. Baker then offered the following amendment to the Bill, S. B. 24, as amended, to-wit:

## AMENDMENT TO S. B. 24

Amend Senate Bill No. 24 Page 1, by inserting after the words "State

employees" the words "and state officials" wherever the words appear.

Which was adopted.

Yeas 20; Nays 4.

*Yeas:*

Messrs. Baker, Bank, Clemon, Edwards, Gilmore, Goodwin, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Pearson, Peden, Powell, St. John, Shelby, Stewart, Vacca.

—20

*Nays:* Messrs. Adams, Fine, Littleton, Mitchell.

—4

Mr. Mitchell offered the following amendment to the Bill, S. B. 24, as amended, to-wit:

#### AMENDMENT TO S. B. 24

Amend Senate Bill No. 24 Page 1 by adding the following as Section 3 and renumbering the remaining Sections.

Nothing in this Act shall be construed to preclude the use of a State Airplane for a flight transporting a citizen of the State of Alabama in a medical emergency for specialized treatment upon special authorization of the Governor.

Which was adopted.

Yeas 24; Nays 0.

*Yeas:*

Messrs. Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Powell, St. John, Shelby, Stewart, Vacca.

—24

*Nays:*

—0

And said Bill, S. B. 24, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 3.

*Yeas:*

Messrs. Baker, Bank, Clemon, Edwards, Ellis, Gilmore, Goodwin, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Powell, Shelby, Stewart, Vacca.

—23

*Nays:* Messrs. Fine, Littleton, St. John.

—3

The Bill:

S. 29. To amend further Act No. 763, H. 286, Regular Session 1973 (Acts 1973, p. 1145), which relates to subsistence allowances for law

enforcement officers while on duty and to authorize expenditure of funds for that purpose, so as to add Department of Finance, Division of Service.

was taken up.

Mr. Shelby offered the following amendment to the Bill, S. B. 29, to-wit:

#### AMENDMENT TO S. B. 29

Amend Senate Bill No. 29 Page 1, by inserting after the words "Department of Finance, Division of Service" wherever they appear the following:

"Managers of wildlife management areas, enforcement officers in the Industrial Relations Department, and enforcement officers in the Department of Revenue, law enforcement officers of the Department of Mental Health."

Mr. Perloff moved that further consideration of the Bill, S. B. 29 and pending amendment, be postponed until the next Legislative Day.

On motion of Mr. Vacca, motion to postpone was laid on the table.

Yeas 16; Nays 3.

*Yeas:*

Messrs. Baker, Bank, Ellis, Fine, Goodwin, King, Little, Littleton, McMillan, Miller, Mims, Mitchell, Peden, Powell, Shelby, Vacca.

— 16

*Nays:* Messrs. Edwards, Noonan, Perloff.

— 3

#### INTERIM COMMITTEE REPORT FILED

The report of the Joint Interim Committee on Finance and Taxation, created by S. J. R. 3, 1975 Organizational Session, was read and ordered filed with the Secretary.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Turnham:

H. 32. To amend the title and further amend Sections 1, 3, 4 and 5 of Act No. 755, 1967 Regular Session (Acts of Alabama 1967, Vol. II, p. 1609), as amended, entitled "To provide Supernumerary Tax Collectors, Tax Assessors, License Commissioners, or other elected officials charged with the assessment and/or collection of any ad valorem taxes in the various counties of the State of Alabama; describing their duties; setting up their requirements and qualifications; fixing their compensation; status and tenure of office; and providing for the payment of their salaries," so as to provide further for the requirements, qualifications and compensation for such Supernumerary Tax Collectors, Tax Assessors and License Commissioners, or other elected officials charged with the

assessment and/or collection of any ad valorem taxes in this state, in the various counties of the State of Alabama having a population of less than 600,000 inhabitants.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 32. To the Committee on Finance and Taxation.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Pegues:

H. 235. To amend further Section 3 of Act No. 1945, H. 584, Regular Session 1971 (Acts 1971, p. 3143), as last amended, which provides for and regulates the employment of county engineers so as to provide that the county engineer in certain counties need not be qualified as a land surveyor in order for the State Highway Department to participate in the payment of a portion of the county engineer's salary.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 235. To the Committee on Finance and Taxation.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 11. COMMENDING THE GRISSOM DISTANCE RUNNERS FOR BREAKING THE STATE 24-HOUR RELAY RECORD.

JOHN W. PEMBERTON,  
Clerk.

#### ADJOURNMENT

At 4:15 P.M., on motion of Mr. Perloff, in accordance with Joint Resolution heretofore adopted, and pending further consideration of the Bill, S. B. 29, the Senate adjourned until Thursday, February 17, 1977, at 11 o'clock A.M.

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SIXTH LEGISLATIVE DAY

THURSDAY, FEBRUARY 17, 1977

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

## PRAYER

The Session was opened with prayer by the Reverend Billy Austin, Pastor, East Tallassee Baptist Church, Tallassee, Alabama.

## ROLL CALL

Present:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, St. John, Shelby, Stewart, Teague, Vacca, Waldrop.

—32

## JOURNAL

On motion of Mr. McDonald (A), the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL

Mr. President;

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Fifth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

OBIE J. LITTLETON,  
Acting Chairman.

## COMMITTEE REPORT

On motion of Mr. Littleton, the foregoing report was concurred in and the Journal of the Senate for the Fifth Legislative Day was approved by the Senate.

## LEAVE OF ABSENCE

On motion of Mr. McDonald (A), leave of absence was granted Messrs. Roberts and Wilson for today.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 42. COMMENDING AND PRAISING THE ADDISON HIGH SCHOOL FOOTBALL TEAM FOR WINNING THE 1976 STATE 1A CHAMPIONSHIP.

Also:

H. J. R. 43. RECOGNIZING AND COMMENDING THE HONORABLE JOHN BUNYAN TOLAND ON HIS COMPLETION OF SIX YEARS OF OUTSTANDING AND DEDICATED PUBLIC SERVICE.

Also:

H. J. R. 44. CONGRATULATING MRS. JANICE PROCTOR UPON BEING NAMED 1976 CITIZEN OF THE YEAR FOR TALLADEGA COUNTY.

Also:

H. J. R. 48. COMMENDING AND CONGRATULATING THE ELMORE COUNTY HIGH SCHOOL FOOTBALL TEAM FOR WINNING THE STATE 2A FOOTBALL CHAMPIONSHIP.

Also:

H. J. R. 49. MOURNING THE DEATH OF JOHN EDWARD O'BRIEN OF TALLASSEE.

Also:

H. J. R. 53. NAMING THE HIGHWAY 49 BRIDGE IN CLAY COUNTY "THE HENRY DAVID RILEY BRIDGE."

Also:

H. J. R. 59. MOURNING THE DEATH OF CLINTON LEWIS.

Also:

H. J. R. 61. CONGRATULATING REPRESENTATIVE RUFUS LEWIS ON BEING NOMINATED FOR THE POSITION OF UNITED STATES FEDERAL MARSHAL.

Also:

H. J. R. 62. MOURNING THE DEATH OF GROVER LAMAR AGEE.

Also:

H. J. R. 64. PRAISING THE AWFUL TALENTS AND MANY ACCOMPLISHMENTS OF JOHN ED WILLOUGHBY.

Also:

H. J. R. 66. TO NAME THE CENTER FOR ENVIRONMENTAL AND ENERGY STUDIES AT THE UNIVERSITY OF ALABAMA IN HUNTSVILLE, ALABAMA IN HONOR OF DR. KENNETH E. JOHNSON.

Also:

H. J. R. 71. Relative to adjournment from Thursday, February 17, 1977, until Wednesday February 23, 1977.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 17. CONDEMNING THE U.S.S.R. FOR ITS REFUSAL TO ADHERE TO THE TERMS OF THE 1973 UNITED NATIONS DECLARATION OF HUMAN RIGHTS AND THE 1975 CONFERENCE ON EUROPEAN SECURITY AND COOPERATION.

Also:

S. J. R. 18. MOURNING THE DEATH OF WILMER S. POYNOR, JR.

Also:

S. J. R. 19. COMMENDING JOE SEWELL ON BEING ELECTED TO THE BASEBALL HALL OF FAME.

Also:

S. J. R. 21. WISHING KAREN LEWIS A HAPPY BIRTHDAY.

Also:

S. J. R. 23. COMMENDING CLETE QUICK FOR HIS OUTSTANDING CONTRIBUTIONS TO THE NORTH ALABAMA LEGISLATIVE COUNCIL.

Also:

S. J. R. 235. COMMENDING AND PRAISING JERRY BOYD, TERRY SPAIN, BEVERLY BASHAM AND JIM RANKIN.

Also:

S. J. R. 236. COMMENDING AND PRAISING JIM ROMBOKAS AND GARY WHITLOW FOR BRAVERY.

Also:

S. J. R. 11. COMMENDING THE GRISSOM DISTANCE RUNNERS FOR BREAKING THE STATE 24-HOUR RELAY RECORD.

OBIE J. LITTLETON,  
Acting Chairman.

#### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Merrill, Rich, Biddle, Owens, Drake, Waggoner, Crowe, Pegues, Morris, Manley, Sasser, Callahan, Higginbotham, Gafford, Smith (M), Robertson, Sandusky, Coburn, Shelton and Holmes (D):

H. 348. To amend Section 15, Title 51, Code of Alabama 1940 relating to homestead exemptions so as to increase the amount of said exemption.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 348. To the Committee on Finance and Taxation.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Jolly (with notice and proof):

H. 405. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Blountsville, in Blount County.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 405, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.



Also:

By Messrs. Callahan and Sandusky:

H. 433. To amend further Code of Alabama 1940, Title 38, Section 77, as amended, which relates to the pay of pilots, by revising the schedule of pilots' fees.

Also:

By Messrs. Killian, Starkey and Lutz:

H. 371. To amend Section 4 of Act No. 1103, S. 834, of the 1973 Regular Session (Acts 1973, Vol. III, p. 1867), which act relates to the office of clerk-secretary to each circuit judge of the Thirty-eighth Judicial Circuit, so as to further regulate the salary of said clerk-secretary; and to make the effect of its provisions retroactive to October 1, 1976.

Also:

By Messrs. Kinsey and McMillan:

H. 412. Relating to county health officers or administrators in counties having populations of not less than 57,000 nor more than 61,000 inhabitants according to the 1970 or any subsequent federal decennial census, authorizing such persons to issue official death certificates; and providing penalties for violation of this Act.

Also:

By Mr. Owens (with notice and proof):

H. 526. Relating to Bibb County; providing for the establishment of a consolidated and unified system of assessing and collecting taxes under one elective county official designated as "county tax assessor and collector"; prescribing the powers, duties, term of office and compensation of said official; providing for the manner of election to the new office; abolishing the offices of tax assessor and tax collector in Bibb County; repealing conflicting laws; and prescribing the effective date of this act.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 526, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Mr. Owens (with notice and proof):

H. 527. To amend Section 1 of Act No. 67, H. 11, Second Special Session 1965 (Acts Second and Third Special Session 1965, p. 92), fixing the compensation of election officers in Bibb County.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 527, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Mr. Owens (with notice and proof):

H. 528. To amend Section 1 of Act No. 87, H. 203, Second Special Session 1965 (Acts Second and Third Special Sessions 1965, p. 117), regulating the pay of the members of the county board of equalization of Bibb County.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 528, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Mr. Owens (with notice and proof):

H. 529. To further amend Section 1 of Act No. 258, H. 607, Regular Session 1953 (Acts 1953, p. 325) as amended, which fixes the compensation of the jury commission of Bibb County so as to provide further for the compensation of such commission.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 529, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Mr. Owens (with notice and proof):

H. 530. Relating to Bibb County; to provide for the fixing of a fee for the issuance of a pistol permit by the sheriff; and providing for the disposition and use of such fees.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 530, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Mr. Owens (with notice and proof):

H. 531. Relating to Bibb County; to levy an excise and privilege tax on the severance of coal and stone in said county; to provide for the collection, payment, and administration of such tax; to provide for the use of the proceeds of the tax for the maintenance, repair, and construction of improved roads in Bibb County.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 531, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Mr. Dial (with notice and proof):

H. 382. Relating to Clay County; to provide for the total rehabilitation of certain persons, both male and female, convicted of any type crime and sentenced to a term of confinement in the county jail of Clay County.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 382, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Mr. Owens (with notice and proof):

H. 532. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Centreville, in Bibb County.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 532, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 405, 433, 371, 412, 526, 527, 528, 529, 530, 382, and 532. To the Committee on Local Legislation No. 1.

H. B. 531. To the Committee on Finance and Taxation.

### INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Owen:

S. 513. Relating to the funding of the Alabama Medicaid Program; appropriating all interest which accrues on time deposits of Federal Revenue Sharing Funds to the State Health Department to be used exclusively for the operation of the Alabama Medicaid Program.

Committee on Finance and Taxation.

By Mr. Edwards:

S. 514. To require that any insurer under any liability policy doing business in this state shall be required to allege and provide that it has, in fact, been damaged or prejudiced by reason of a failure of cooperation or failure to notify on the part of the insured party as a condition precedent to relieving the insurer of its liabilities under the terms of the policy.

Committee on Insurance.

By Mr. Baker:

S. 515. Relating to the 9th judicial circuit; to provide a salary increase for the secretaries of the circuit judges; and to make the provisions of this act retroactive to January 1, 1977.

Committee on Local Legislation No. 1.

By Mr. Pearson:

S. 516. To amend the title and Section 3 of Act No. 145, S. 64, Third Special Session 1975 (Acts 1975, p. 389—now appearing in Code of Alabama, Recompiled 1958, Title 61, Section 425), known as the "Alabama Small Estates Act of 1975" so as to provide that the value of estates subject to said act shall be \$5,000 or less and to provide for a change in the elapsed time period for summary distribution under said act.

Committee on Judiciary.

By Mr. Teague:

S. 517. To provide for a supplemental salary for the district attorney of the thirtieth judicial circuit, to be paid equally by the counties comprising such circuit; and to fix the amount and method of payment thereof.

Committee on Local Legislation No. 1.

By Mr. Teague:

S. 518. To remove all water works systems having 100 customers or less from regulation by the Public Service Commission.

Committee on Commerce, Transportation,  
and Utilities.

By Mr. Adams:

S. 519. Relating to motor vehicle dealers; providing for the licensing of motor vehicle dealers, reconditioners, or rebuilders, and the wholesalers, providing for qualifications and fees; prescribing information to be included in application; requiring certain records to be kept; providing a penalty; providing for suspension or revocation of license; requiring a bond or evidence of net worth; providing for severability; providing an effective date.

Committee on Commerce, Transportation,  
and Utilities.

By Mr. Goodwin:

S. 520. To amend Section 1 of Act No. 437, S. 342, 1973 Regular Session (Acts of 1973, p. 629), entitled, "An Act to authorize the Division of Marine Resources of the Department of Conservation and Natural Resources to sell or barter for the purpose of establishing fishing reefs in offshore waters of Alabama certain liberty ships now in the custody of said Division for the benefit of the states of Alabama, Mississippi and Florida, creating a commission to oversee and direct the action of the Department of Conservation and Natural Resources under the provisions of this Act," so as to provide that any funds not used for the original purpose of the Act

shall be used exclusively to establish artificial fishing reefs or construct, repair or maintain public boat landing sites in or on the coastal waters of the state.

Committee on Rules.

By Mr. Noonan:

S. 521. To provide a uniform procedure for the adoption of rules by state administrative agencies, and for the review of state agency rules and determinations.

Committee on State Government.

By Mr. Vacca:

S. 522. To amend Act No. 281 adopted at the 1969 Regular Session of the Legislature of Alabama relating to the promotion of safe transportation of pupils to and from schools and in school related activities; to directing the state board of education to prescribe certain rules and regulations designed to promote this purpose; to the provision of school transportation managers or supervisors; to prescribing certain equipment for school buses; to the provision for safety inspection of school buses; to provision for special training and licensing of school bus drivers; and to the prescribing of penalties.

Committee on Education.

By Mr. Ellis:

S. 523. To amend Section 19 of Act No. 248 of the Regular Session of the Legislature of 1945 (General Acts of Alabama 1945, p. 376, et seq.), to provide for the rate at which Merit System Employees shall earn annual vacation and to provide for the rate at which Merit System Employees shall earn sick leave and to also provide for the payment of earned sick leave at retirement or termination.

Committee on Local Legislation No. 2.

By Mr. Fine:

S. 524. Relating to the thirty-fourth judicial circuit, providing the district attorney of said circuit an annual expense allowance payable by the county composing said circuit.

Committee on Local Legislation No. 1.

By Mr. Teague:

S. 525. To appropriate an additional \$3,000 from the state general fund to the state forestry commission for emergency forest fire suppression in Talladega County.

Committee on Finance and Taxation.

By Mr. Baker:

S. 526. Relating to the ninth judicial circuit, providing the register of the circuit court certain compensation supplemental to that compensation payable from the state, to be paid by DeKalb and Cherokee Counties as herein provided.

Committee on Local Legislation No. 1.

By Mr. Jones:

S. 527. To further amend Section 5 of Act No. 2280, S. 478, Regular Session 1971 (Acts of 1971, p. 3671), as amended, which established a county-wide personnel system for all counties having a population of not less than 150,000 nor more than 180,000, by authorizing the granting of either compensatory leave or overtime pay to employees; so as to provide compensatory leave in lieu of a holiday which falls on a regular off day; giving this act retroactive effect.

Committee on Local Legislation No. 1.

By Mr. Fine:

S. 528. Relating to the thirty-fourth judicial circuit, providing the circuit judge of said circuit an annual county supplemental compensation payable by the county composing said circuit.

Committee on Local Legislation No. 1.

By Mr. McDonald (S):

S. 529. Relating to the Retirement Systems of Alabama; providing for the remedy of certain inequities and the clarification of ambiguities in the retirement laws of Alabama; and providing statutory notice of existing administrative practices, rules and regulations of the Boards of Control of the Retirement System of Alabama.

Committee on Finance and Taxation.

By Mr. Jones:

S. 530. To amend Act No. 127, Acts of Alabama 1959, which Act permits the State Board of Education, by its rules and regulations, to provide assistance to residents of Alabama for instruction on the college or university level not available to them at public, state-supported educational institutions in Alabama so as to provide that such instruction shall include instruction in chiropractic at colleges of chiropractic.

Committee on Finance and Taxation.

By Messrs. McDonald (A), Stewart, King, Gilmore, Noonan, Clemon, Mims, Pearson, Ellis, Vacca and Jones:

S. 531. To direct the Code Commissioner to correct an error which appears in Title 16, Chapter 13, Article 3, Section 16-13-56 of the Manuscript of the Code 1975, which was adopted by Act No. 1, H. 100 of the current session of the Legislature, the section of such manuscript which deals with the determination of the amount of local funds available for purposes of the minimum school program, in order to make this section correctly state the law on this subject.

Committee on Judiciary.

## REPORTS OF COMMITTEES

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Noonan:

S. 301. To amend the title and further amend Sections 1, 3, 4 and 5 of Act No. 755, 1967 Regular Session (Acts of Alabama 1967, Vol. II, p. 1609), as amended, entitled "To provide Supernumerary Tax Collectors, Tax Assessors, License Commissioners, or other elected officials charged with the assessment and/or collection of any ad valorem taxes in the various counties of the State of Alabama; describing their duties; setting up their requirements and qualifications; fixing their compensation; status and tenure of office; and providing for the payment of their salaries," so as to provide further for the requirements, qualifications and compensation for such Supernumerary Tax Collectors, Tax Assessors and License Commissioners, or other elected officials charged with the assessment and/or collection of any ad valorem taxes in this state, in the various counties of the State of Alabama having a population of less than 600,000 inhabitants.

By Mr. Noonan:

S. 310. To appropriate \$30,000.00 from the general fund in the state treasury to the Alabama Coastal Area Board Fund for the current fiscal year ending September 30, 1977.

By Mr. Wilson:

S. 378. To amend Section 2 of Act No. 763 adopted at the 1976 Regular Session which authorizes and provides for the expenditure of any and all funds received to the credit of the Medicaid Program.

By Mr. Mims:

S. 420. To authorize the Pesticide Residue Laboratory heretofore established by the Department of Agriculture and Industries at Auburn University pursuant to Act No. 132, H. 105, Legislature of 1965, 2nd Spec. Sess. (Acts of 1965, 2nd and 3rd Spec. Sess., p. 185), as amended by Act No. 399, H. 126, Legislature of 1966, Spec. Sess. (Acts of 1966, Spec. Sess., p. 538); to conduct analytical work for harmful drug residues; and to make an appropriation from the State Treasury for the fiscal year ending September 30, 1977 for the performance of such additional duties.

By Mr. Owen:

S. 423. To make appropriations to the Alabama Forestry Commission for construction of an automotive maintenance and repair shop, mechanics salaries, and equipment and parts for such shop.

By Mr. Owen:

S. 424. To amend further Act No. 533, Acts of Alabama, 1957 Regular Session, Page 750, entitled "An Act To Create a Board to be known as the State Board of Registration for Foresters; to provide for the qualification of members of said Board; to provide for the appointment of the members of said Board; to provide for their terms of office; to provide for the organization of said Board; to provide for the powers and duties of said Board; to provide for the registration of Foresters; to provide for the recording of licenses; to provide for the definition of the practice of Forestry; to provide for the revocation of licenses; to provide for fees for the issuance and recording of such licenses; to provide for reciprocity; to create a special fund to be known as the "Professional Foresters Fund," and to regulate expenditures therefrom; to repeal all laws in conflict with

this Act; and to make an appropriation," as amended by Act No. 141, Acts of Alabama, 1961 Special Session, page 2082; by Act No. 1051, Acts of Alabama, 1969 Regular Session page 1965; and by Act No. 1202, S. 107, 1973 Regular Session (Acts of 1973, p. 2020); so as to provide for an increase in the registration fee for a license and the annual renewal fee for licenses.

By Mr. Owen:

S. 425. To amend further Act No. 533, Acts of Alabama, 1957 Regular Session, Page 750, entitled "An Act To Create a Board to be known as the State Board of Registration for Foresters".

By Mr. Shelby:

S. 439. To amend Act No. 1163, H. 1829, 1973 Regular Session (Acts 1973, p. 1948; now appearing in Code of Alabama, Recompiled 1958, Title 13, Sections 522-534) known as the judicial retirement act; to allow prior service credit to certain judicial officers.

By Mr. Adams:

S. 487. To amend Section 2 of Act No. 1299, Regular Session, 1973, P. 2214 relating to the functions, powers, and duties of the Division of Data Systems Management.

By Mr. Owen:

S. 497. To make further appropriations to the Auburn University Cooperative Extension Service from the Alabama Special Educational Trust Fund for the Fiscal Year ending September 30, 1977.

By Mr. Owen:

S. 498. To require property coming into the possession of the State of Alabama, any political subdivision thereof or any municipality by reason of the United States Surplus Property Act of 1944 for public airport purposes to be used in conformity with the stipulations in the deed or grant thereof from the United States; and to repeal Act No. 1186, H. 1278, 1975 Regular Session and all other laws and parts of laws in conflict herewith.

By Mr. Mims:

S. 512. To further amend Section 33 of Act No. 100, H. 94, 1959 Second Special Session (Acts of 1959, p. 315), as amended, entitled "An Act To raise revenue; levying a privilege or license tax against persons on account of certain business activities; prescribing the rate thereof and exemptions therefrom; superseding Article 10 of Chapter 20, Title 51, Code of Alabama 1940, as amended and supplemented," so as to exempt LP gas used by agricultural producers from the state sales tax.

By Mr. Fine:

S. 366. To regulate further the compensation of justices and judges.

Mr. St. John, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:



By Messrs. Bank and Owen:

S. 52. To repeal Title 9, Section 21, Code of Alabama, 1940, which makes certain Sunday contracts void.

By Mr. McMillan:

S. 68. To provide for penalties increasing the sentences for certain dangerous special offenders; to provide for certain procedures for determining the severity and review of sentences, and to authorize the Attorney General of Alabama to establish and maintain a repository for records of convictions.

By Messrs. McMillan and Pearson:

S. 113. To provide for the creation of restitution centers on an experimental basis, the purpose of which shall be to allow certain minimum security risk offenders to repay all or part of the damages incurred by the victim of the offender's offense through employment opportunities secured by the supervisory personnel of the restitution center.

By Messrs. McMillan and Pearson:

S. 114. To create a committee known as the "Prison Farm and Forestry Advisory Committee" to advise the Board of Corrections farm and forestry operations; providing for the membership, meetings, powers and duties of such committee; and specifically to implement certain suggestions and recommendations contained in the Prison Task Force Committee Report to the Alabama Legislature, April 29, 1976.

Mr. St. John, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Messrs. McMillan and Mitchell (With Substitute):

S. 115. To provide that opinion and reputation evidence and evidence of specific acts relating to the complaining witness' previous sexual conduct shall be inadmissible by the defendant in criminal sexual conduct cases, including: rape, sodomy, sexual misconduct, sexual abuse, criminal sexual conduct, or carnal knowledge; to make prohibition against admissibility inapplicable to complaining witness' sexual conduct with defendant; and to provide procedures by which a court may determine relevancy of evidence proposed to be admitted before such evidence is introduced.

Mr. St. John, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Perry:

S. 137. To validate, in certain cases, municipal corporations attempted to be organized under the laws of Alabama and invalid because of any irregularity in the procedure for incorporation.

By Mr. Ellis:

S. 144. To prescribe the procedure for securing the attendance of witnesses from without the state in criminal proceedings in Alabama and of witnesses within this state in criminal proceedings in other states; to provide penalties for failure to obey a summons to testify issued pursuant to this act; and to provide for immunity to such witness from arrest or service of process, civil or criminal, while in this state in obedience to a summons issued hereunder in connection with matters which arose before his entrance into this state under the summons.

By Mr. Fine:

S. 163. To make child abuse a criminal offense; to define the offense of child abuse; and to prescribe the penalty to be imposed on any person found guilty of such offense.

By Mr. McDonald (A):

S. 171. To amend Sections 2 and 3 of Title 36, Code of Alabama 1940, as last amended, relating to the offenses of driving while intoxicated and reckless driving; so as to establish the offenses of driving while under the influence of alcohol on any public property and reckless driving on any public property.

By Mr. Little:

S. 236. To amend Section 73 of Title 34 of Code of Alabama of 1940, as amended, to allow a wife to convey, mortgage, or otherwise alienate her title to and interest in real property which is in her separate estate, as if she were sole.

By Mr. Little:

S. 237. To amend the Code of Alabama 1940, Title 16, Section 1, which provides for the descent and distribution of real estate of an intestate, so as to change the order of succession.

By Mr. St. John:

S. 368. To provide a procedure for cancelling shares of a corporation which have been purchased or reacquired by it and for reducing stated capital by the amount represented by the shares, the effect of which will be to provide a procedure for restoring treasury shares to the status of authorized but unissued shares.

By Messrs. Pearson and Perloff:

S. 392. To make child abuse a criminal offense; to define the offense of child abuse; and to prescribe the penalty to be imposed on any person found guilty of such offense.

By Messrs. Pearson and Clemon:

S. 394. Relating to the appointment of a curator of the property of persons residing in this state who shall become physically incapacitated, feeble-minded or epileptic, or so mentally or physically defective by reason of age, sickness, the use of drugs, excessive use of alcohol or other causes, and authorizing such curator to take charge of, manage and conserve the property of such person and relating to the effect of the appointment of a curator as to any such person.

By Messrs. Pearson and Clemon:

S. 395. To amend Section 665, Title 7, Code of Alabama 1940, as recompiled 1958, relating to exemption of personal property from estate of a deceased so as to increase the amount of such exemption and provide that it shall be in favor of a surviving spouse and minor child or children or either.

By Messrs. Perry and McMillan:

S. 404. To amend Title 15, Section 44 of the Code of Alabama, 1940, (recompiled 1958) so as to increase the amount that can be offered as a reward and also specify the crimes for which the reward can be offered.

By Messrs. McMillan and Perry:

S. 405. To provide that the use of a firearm or destructive device to commit any felony, or to unlawfully carry a firearm during the commission of any felony is in violation of State law and unlawful; to prescribe for punishment in addition to the punishment provided for the commission of the felony; to prescribe mandatory sentencing upon a second or subsequent conviction, and to proscribe terms therefor from running concurrently; and to repeal all conflicting statutes.

By Mr. Gilmore:

S. 438. To amend Title 52, Section 37, of the Code of 1940 (pertaining to the power of the State Board of Education and public corporations conducting state educational institutions to borrow money for certain purposes) so as to clarify the power of the Board and such corporations to issue refunding securities to refund, in addition to principal and redemption premium, interest accrued or to accrue in the future on any securities to be refunded.

By Messrs. Perry, McMillan and King:

S. 443. To amend Section 100 of Title 14, Code of Alabama (1940), relating to conspiracies to commit felonies, so as to increase the penalty therefor.

By Messrs. Perry and McMillan:

S. 444. To amend Section 100 of Title 14, Code of Alabama (1940), relating to conspiracies to commit felonies, so as to increase the penalty therefor.

By Messrs. Perry and McMillan:

S. 445. To require trial judges to charge the jury, in prosecutions for crimes for which the jury by law sets the punishment, as to when and how the defendant, if found guilty, might legally be granted parole, and to allow the prosecutor in such cases to argue the legal possibility of parole to the jury.

By Messrs. Perry and McMillan:

S. 447. To prohibit threats against the person or property of another and to provide penalties therefor.

By Messrs. McMillan and Perry:

S. 448. To provide for joinder of offenses and joinder of defendants in criminal indictments and for the joint trial of jointly indicated

defendants, and to repeal Sections 249 and 319 of Title 15, Code of Alabama (1940).

By Messrs. King, McMillan and Perry:

S. 449. To amend Title 15, Section 45, Code of Alabama, 1940 (Recompiled 1958) so as to increase the amount that can be offered as a reward for the rearrest or apprehension of certain specified individuals.

By Mr. Perloff:

S. 499. To amend Title 51, Section 442, Code of Alabama Recompiled 1958, concerning liens for Estate Tax purposes.

Mr. St. John, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Vacca (With Amendment):

S. 58. To be known as the Alabama Rules of the Road Act, providing rules of highway and traffic safety, establishing general rules relating to the effect of traffic laws, establishing certain traffic laws and penalties for the violation thereof, providing for the establishment of traffic signs, signals and markings, and providing for certain powers of the state highway department and the department of public safety of this state; repealing numerous specific code sections and statutes that conflict herewith as well as all other laws that conflict with this act.

Mr. King, Chairman of the Standing Committee on Constitution and Elections, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Noonan:

S. 502. Proposing an amendment to the Constitution of 1901, which prescribes the manner counties, cities and other political subdivisions may issue bonds or other securities.

The above Bill was read a second time at length as required by the Constitution.

Mr. Pearson, Chairman of the Standing Committee on Conservation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Ellis and Fine:

S. 324. To amend Section 4 of Act No. 712, H. 48, Acts of Alabama 1951 (Acts 1951, Vol. II, p. 1250) relating to tourist advertising, to permit intra-state advertising of state-owned parks by bureau of publicity and information.

Mr. Pearson, Chairman of the Standing Committee on Conservation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. McMillan (With Amendment):

S. 83. To provide for the conservation, management, enhancement and protection of non-game wildlife and plants and endangered or threatened species thereof; and to provide enforcement authority and penalty for violation of the provisions of this act.

Mr. McDonald (S), Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Ellis:

S. 150. To amend Section 103, Title 52, Code of Alabama 1940, as amended, relating to qualifications of a county superintendent of education; and to repeal Act No. 298, H. 32, 1959 Regular Session [Acts of 1959, p. 871; now appearing in Code of Alabama, Recompiled 1958, Title 52, Section 103(1)]; Act No. 38, H. 53, 1969 Special Session [Acts of 1969, p. 95; now appearing in Code of Alabama, Recompiled 1958, Title 52, Section 103(2)] and all other laws or parts of laws in conflict herewith.

By Mr. Ellis:

S. 153. To amend Section 178, Title 52, Code of Alabama 1940, as amended, relating to qualifications of a city superintendent of education; and to repeal Act No. 39, H. 55, 1969 Special Session [Acts of 1969, p. 96; now appearing in Code of Alabama, Recompiled 1958, Title 52, Section 178(1)], and all other laws or parts of laws in conflict herewith.

By Mr. Pearson:

S. 197. To permit the State Board of Education, through the State Superintendent of Education, to enter into an interstate agreement known as the "Interstate Agreement on Qualification of Educational Personnel" for the purpose of establishing cooperative arrangements with other states for persons to meet teacher certification requirements.

By Messrs. Ellis and McDonald (S):

S. 204. To provide that school principals shall supervise the operation and management of schools under policies determined by local boards of education and to assign school principals supervisory responsibilities and the coordination of instructional leadership under the direction of the local school superintendent.

Mr. McDonald (S), Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Gilmore (With Amendment):

S. 210. To amend Title 52, Section 215 (a4) relating to the determination of the number of teacher units allowed, so that the period for which average daily attendance is required is changed from the school year to the first five scholastic months of any school term.

Mr. McDonald (S), Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the

following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. McDonald (S):

S. 308. To provide that full-time employees and executive officers of the Alabama Council for School Administration and Supervision may elect to become members of the Teachers' Retirement System of Alabama; also to provide that said Council and its employees shall assume all costs, both contributory and administrative; and no cost shall devolve upon the state.

By Mr. Little:

S. 340. To require that city and county boards of education, the State Board of Education, the Department of Youth Services and the Alabama Institute for Deaf and Blind reimburse its employees for mileage when said employees are required to travel as a part of their job assignment.

By Mr. Little:

S. 403. To require city and county boards of education, the State Board of Education, the Department of Youth Services, the Alabama Institute for Deaf & Blind and the governing boards of Alabama's public senior universities to provide personal liability insurance for bus drivers or any employee required to transport pupils or perform maintenance services for the employing board.

Mr. Fine, Chairman of the Standing Committee on Banking, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Lutz, Waggoner, Armstrong, Carter, Roberts, Martin and Gafford:

H. 154. To amend Section 290 and 291 of Title 28, Code of Alabama 1940, and Section 282 of Title 28, Code of Alabama 1940, as amended by Section 1 of Act No. 561, Regular Session 1975, Section 285 of Title 28, Code of Alabama 1940, as amended by Section 4 of Act No. 561, Regular Session 1975, all of which provide for credit unions in Alabama, so as to provide for an increased maximum of the par value of a share, to eliminate unnecessary language concerning loans, to elect a president who is an employee of the credit union and to remove statutory restrictions on the disbursement of loan funds.

By Mr. Manley:

H. 106. To amend Section 5 and 19 of Act 765, Regular Session, 1973 Alabama Legislature, to remove the requirement of a copy of each security interest document when perfecting a security interest in a vehicle of a type which a certificate of title is required; and for related purposes; and to set an effective date.

Mr. Gilmore, Chairman of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Owen:

S. 2. To provide that all liquefied petroleum gas which is purchased from gas fields in Alabama shall be either metered or weighed and an invoice showing the amount of gas purchased shall be given to the purchaser or his agent and prescribes penalties for the violation of the provisions of the act.

By Messrs. Noonan and Vacca:

S. 295. To amend Section 2 of Act No. 474, H. 202, of the 1961 Regular Session of the Legislature of Alabama entitled "An Act providing for the relocation of utility facilities when necessitated by Federal-aid highway system projects; providing for the payment of the costs of such relocations by the State as highway construction costs upon Federal participation and Federal funds being actually collected by the State; prescribing the authority of the State Highway Director in regard thereto; providing for the method of paying or reimbursing said utilities; and repealing all conflicting laws."

By Mr. Stewart:

S. 232. To define various terms necessary to the application of trademark law: to provide for registrability of a trademark; to provide for application of registration of a trademark; to provide for issuance of a certificate of registration; to provide for the duration and renewal of a trademark; to provide for the keeping of public records on trademarks; to provide for the cancellation of a trademark; to provide for the classification of goods and services which may be subject to this act; to provide liability for fraudulent registration; to provide liability for infringement of a trademark registered under this act; to provide relief for injury to business reputation or for dilution of the quality of a trademark registered under this act; to provide remedies for the owner of a trademark registered under this act; and to preserve any common law rights of owners of trademarks.

By Messrs. Gilmore, Owen, Vacca, Mitchell, St. John, McDonald (S), Bank, Teague and Fine:

S. 212. To repeal Title 48, Section 109 which requires the filing with the Public Service Commission a verified list of all railroad tickets, passes, mileage books, issued free or for other than actual bona fide money consideration at full established rates during the preceding year.

By Mr. McDonald (S):

S. 125. To prohibit the sale or use of an article with an altered or obliterated identification mark and to provide penalties therefor.

By Mr. Vacca:

S. 397. To amend the title and Sections 2 and 3 of Act No. 801, 1951 Regular Session, (being Title 36, Section 89(1), Code of Alabama 1940, Recomp. 1958), entitled "To define a 'Motor Bus' and to provide a maximum permissible length for any motor bus driven or operated upon the highways of Alabama and to repeal all laws in conflict herewith," so as to further provide for a maximum permissible width for any motor bus driven or operated upon the highways of Alabama.

Mr. Gilmore, Chairman of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Mims (With Amendment):

S. 419. To amend Section 65 of Title 46 of the Code of Alabama 1940, relating to the licensing of general contractors.

### UNFINISHED BUSINESS

#### BILLS ON THIRD READING

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

S. 29. To amend further Act No. 763, H. 286, Regular Session 1973 (Acts 1973, p. 1145), which relates to subsistence allowances for law enforcement officers while on duty and to authorize expenditure of funds for that purpose, so as to add Department of Finance, Division of Service.

and pending Shelby amendment, which said amendment is set out in the Journal of the Senate for the Fifth Legislative Day.

And said amendment was then adopted by the Senate.

Yeas 18; Nays 1.

*Yeas:*

Messrs. Adams, Baker, Edwards, Ellis, Fine, King, Little, Littleton, Miller, Mims, Mitchell, Owen, Peden, Powell, St. John, Stewart, Teague, Vacca.

— 18

*Nay:* Mr. Perloff.

— 1

Mr. Little moved that the Bill, S. B. 29, as thus amended, be referred to another Committee.

On motion of Mr. Vacca, the motion to re-refer was laid on the table.

Yeas 15; Nays 5.

*Yeas:*

Messrs. Baker, Fine, Gilmore, Jones, King, Littleton, Mims, Mitchell, Noonan, Peden, Powell, St. John, Stewart, Teague, Vacca.

— 15

*Nays:*

Messrs. Adams, Edwards, Little, McDonald (A), Perloff.

— 5

And said Bill, S. B. 29, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 1.



*Yeas:*

Messrs. Baker, Bank, Clemon, Ellis, Fine, Jones, King, Little, Littleton, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Peden, Powell, St. John, Stewart, Teague, Vacca, Waldrop.

—22

*Nays:* Messrs. Edwards, Perloff.

—2

The Bill:

S. 23. To regulate lobbying by certain state employees; to require registration and recording of attendance; to impose penalties for failure to comply herewith; and to set out partial exemptions for certain classes of persons.

was taken up.

Mr. McDonald (A) offered the following amendment to the Bill, S. B. 23, to-wit:

#### AMENDMENT TO S. B. 23

Amend S. B. 23 in Section 2, paragraph (b), Line 14, Page 2 by deleting the entire paragraph and inserting in lieu thereof:

“Persons who appear before a committee or sub-committee of the House of Representatives or Senate at the request of any member of the Legislature as a witness or for informational purposes or who provides information for a legislator at the legislators request shall be exempt from the provisions of this act.”

Which was adopted.

Yeas 27; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Goodwin, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Powell, Stewart, Teague, Vacca, Waldrop.

—27

*Nays:*

—0

On motion of Mr. Owen, further consideration of the Bill, S. B. 23, as thus amended, was postponed temporarily.

The Bill:

S. 18. To provide for distinctive motorcycle license plates for Shrine motorcycle club, corps or unit members; to provide for the design of such license plate; and to provide a procedure for issuance thereof.

was taken up.

Mr. Baker offered the following amendment to the Bill, S. B. 18, to-wit:

## AMENDMENT TO S. B. 18

Amend Senate Bill No. 18, Section 2 as follows:

Section 2. The distinctive license plates herein provided for shall be prepared by the commissioner of revenue and shall be issued through the judge of probate or license commissioner of the several counties of the state in like manner as are other motor vehicle license plates and such officers shall be entitled to their regular fees for such service. Applicants for such distinctive plates shall present to the issuing official proof of their membership in a Shrine motorcycle club, corps or units within the state by means of a certificate signed by the potentate of the Shrine temple of such applicant, on forms prescribed by the commissioner of revenue. Such applicant shall pay to the issuing officer the regular license tax prescribed by law upon the payment of the regular license fee for tags, as provided by law, and the payment of an additional fee of \$5.00, shall be issued the distinctive license plates as are herein provided. The distinctive license plates herein provided for shall be issued for heavy weight or heavy duty motorcycles only.

Which was adopted.

Yeas 28; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Miller, Mims, Noonan, Owen, Peden, Perloff, Perry, Powell, St. John, Stewart, Teague, Vacca.

—28

*Nays:*

—0

And said Bill, S. B. 18, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 27; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Gilmore, Goodwin, Jones, King, Little, Littleton, McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, St. John, Stewart, Vacca.

—27

*Nays:*

—0

The Bill:

S. 135. To appropriate \$35,000.00 from the Alabama Board of Nursing Trust Fund in the State Treasury to the Alabama Board of Nursing for the current fiscal year ending September 30, 1977, for purchasing replacement office equipment and furniture and additional equipment and furnishings necessitated by the move of and expansion of the Board office.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 26; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Gilmore, Goodwin, Jones, King, Little, Littleton, McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, St. John, Stewart, Vacca, Waldrop.

—26

*Nays:*

—0

The Bill:

S. 6. To amend the title and Section 1 of Act No. 1137, H. 1757, 1973 Regular Session (Acts of 1967, p. 1921; now appearing in Code of Alabama, Recompiled 1958, Title 36, Section 58 (74c)) entitled, "An Act To authorize the State Safety Coordinating Committee to allocate any of its funds to the Department of Education to establish a special fund to be designated as the 'Driver Education and Training Fund' for the express purpose of instituting and conducting a program of prelicensing driver education and training"; so as to extend the allocation of driver education funds to any educational institution in Alabama.

Mr. Vacca offered the following amendment to the Bill, S. B. 6, to-wit:

#### AMENDMENT TO S. B. 6

Amend Senate Bill No. 6, Page 1, Lines 20 and 31, by deleting the words and figures, "Acts of 1967", and inserting in lieu thereof the following: "Acts of 1973"

Which was adopted.

Yeas 27; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Gilmore, Goodwin, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Powell, St. John, Stewart, Vacca.

—27

*Nays:*

—0

And said Bill, S. B. 6, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 1.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Jones, King, Littleton, McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Powell, Stewart, Vacca.

—25

*Nay:* Mr. Little.

—1

## The Bill:

S. 62. To authorize and provide for the issuance of revenue bonds for the purpose of providing for the construction, reconstruction, improvement, alteration, enlargement and equipment of public office building facilities and of annexes, additions and enlargements of such buildings and for the acquisition of sites therefor; to authorize and provide for the establishment of a public corporation, to be known as the Alabama Capitol Building Authority, to issue such bonds; to provide that a part of the proceeds of such bonds shall be used by the authority established hereunder for the purpose of providing such public office building or buildings for the legislative branch of the government of the State of Alabama, that a part of such proceeds shall be used by the Alabama Building Authority for the purpose of constructing, altering and improving the public office building facilities heretofore constructed by such authority or for constructing and equipping of annexes, additions or enlargements of such building, and the remainder of the proceeds of such bonds shall be used by the Alabama Building Finance Authority for the purpose of constructing, altering and improving public office building facilities heretofore constructed by such authority or for constructing and equipping of annexes or additions to such buildings; to authorize the issuance of refunding bonds; to provide for the investment of the proceeds from the sale of such bonds; to provide that all properties procured, constructed or improved or enlarged with the proceeds of any bonds hereby authorized and the income therefrom and all bonds issued pursuant to this act and the income therefrom and all leases made and all lien notices filed relative to buildings or additions constructed, altered, improved or equipped pursuant to this act, shall be exempt from all taxation in the State of Alabama; to provide that such bonds shall constitute negotiable instruments; to provide that such bonds shall be payable solely out of revenues of the several authorities, respectively, and shall not create an obligation or debt of the state; to provide that any bonds issued pursuant to this act may be used as security for deposits and investment of public funds and fiduciary funds; to specify the application of the proceeds of the bonds issued pursuant to this act; to provide for the construction of public office building facilities, the alteration, construction of annexes or additions to, and improvement of public office building facilities and for the equipment of such facilities or additions thereto by the several authorities above listed; to authorize the conveyance to each of said authorities of lands owned by the State; to create a reserve fund for the benefit of the bonds issued pursuant to this act; to authorize the authority established hereunder to pledge such revenues from any facilities constructed under authority of this act as may be necessary to pay the principal of and interest on its bonds; to authorize the filing for record of an instrument reciting the issuance of said bonds and the creation of said pledge as a lien on said revenues which filing will constitute constructive notice; to provide that the state treasurer shall be the custodian of the funds of the authority; to provide for the lease to and by agencies, boards, commissions, public corporations, bureaus and departments of the State of Alabama and of the United States, and private parties of space for occupancy in said facilities or additions thereto; and to authorize publication of notice of each resolution authorizing any bonds or pledge and to specify a limitation of time thereafter for actions or defenses respecting said bonds or pledge.

was taken up.

Mr. Little moved that consideration of the Bill, S. B. 62, be postponed until the next Legislative Day.

On motion of Mr. Powell, the motion to postpone was laid on the table.

Yeas 16; Nays 3.

*Yeas:*

Messrs. Adams, Baker, Edwards, Gilmore, King, Littleton, Miller, Mims, Noonan, Peden, Perry, Powell, Shelby, Stewart, Teague, Waldrop.

—16

*Nays:* Messrs. Bank, Little, McDonald (A).

—3

Mr. Powell offered the following amendment to the Bill, S. B. 62, to-wit:

#### AMENDMENT TO S. B. 62

In Section 1 on line 31, strike out the period following the word "thereto" and insert in lieu thereof the following:

; but the acquisition of sites hereby authorized shall be limited to sites lying in a tract of land bounded on the East by Jackson Street, on the West by that area formerly known as Ripley Street, on the North by Monroe Avenue and on the South by Washington Avenue.

Also in Section 7, on page 7, line 16, insert after the word, "sites," the following:

, but the acquisition of sites hereby authorized shall be limited to sites lying in a tract of land bounded on the East by Jackson Street, on the West by that area formerly known as Ripley Street, on the North by Monroe Avenue and on the South by Washington Avenue,

Also in Section 8, page 8, line 23, after the word "site," and before the semicolon, insert the following:

, but the acquisition of sites hereby authorized shall be limited to sites lying in a tract of land bounded on the East by Jackson Street, on the West by that area formerly known as Ripley Street, on the North by Monroe Avenue and on the South by Washington Avenue

Also in Section 17, page 14, line 7, strike out the word, "land," and insert in lieu thereof the following:

such land, as is hereinabove authorized,

Which was adopted.

Yeas 18; Nays 2.

*Yeas:*

Messrs. Adams, Edwards, Gilmore, Goodwin, King, Littleton, McDonald (A), Miller, Mims, Mitchell, Noonan, Owen, Perry, Powell, Shelby, Stewart, Teague, Waldrop.

—18

*Nays:* Messrs. Little, Peden.

—2

## MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 13. MOURNING THE DEATH OF HIS EXCELLENCY, THE MOST REVEREND ARCHBISHOP THOMAS J. TOOLEN.

Also:

S. J. R. 14. COMMENDING THE CRICHTON OPTIMIST CLUB FOR ITS WORK WITH THE YOUTH OF MOBILE COUNTY AND THE STATE.

Also:

S. J. R. 16. COMMENDING MARCIA KUNSTEL FOR HER "CAPITOL HILL" COVERAGE AND WISHING HER SUCCESS IN HER NEW JOURNALISTIC ENDEAVOR.

Also:

S. J. R. 241. MOURNING THE DEATH OF FORMER SENATOR RICHARD DOMINICK.

Also:

S. J. R. 242. CONGRATULATING VAUGHN STEWART ON HIS ELECTION AS PRESIDENT OF THE STUDENT BODY OF THE UNIVERSITY OF ALABAMA.

Also:

S. J. R. 244. MOURNING THE DEATH OF DR. KENNETH E. JOHNSON.

Also:

S. J. R. 245. COMMENDING THE LEE HIGH SCHOOL BAND OF HUNTSVILLE ON BEING THE GOVERNOR'S SELECTION FOR REPRESENTING OUR STATE IN THE PRESIDENTIAL INAUGURATION.

JOHN W. PEMBERTON,  
Clerk.

## FURTHER CONSIDERATION OF S. B. 62

The Senate proceeded to further consideration of the Bill, S. B. 62, as amended.

Mr. Powell offered the following amendment to the Bill, S. B. 62, as amended, to-wit:

## AMENDMENT TO S. B. 62, AS AMENDED

In Sections 1, 3 and 6 strike the words "chief examiner of public accounts," and insert in lieu thereof the following:

director of finance

Which was adopted.

Yeas 20; Nays 1.

*Yeas:*

Messrs. Adams, Baker, Edwards, Fine, Gilmore, Goodwin, King, Littleton, McDonald (A), Miller, Mims, Noonan, Owen, Peden, Perry, Powell, Shelby, Stewart, Teague, Waldrop.

—20

*Nay:* Mr. Little.

—1

Mr. Edwards offered the following amendment to the Bill, S. B. 62, as amended, to-wit:

#### AMENDMENT TO S. B. 62, AS AMENDED

Amend Senate Bill No. 62 Page 1 Line 11, by striking out \$30,000,000 and inserting in lieu thereof "\$24,000,000";

and on page 8 line 21 by striking out "\$30,000,000" and inserting in lieu thereof "\$24,000,00"; and on page 8 line 28 by striking out "\$16,000,000" and inserting in lieu thereof "\$10,000,000"; and on page 8 line 32 by inserting after the word "government" the following: "for offices for members of the legislature and officials connected therewith and committee conference rooms. It is the intent of the legislature that the funds herein provided for a legislative building not be used to construct chambers in which the house and senate of the legislature are to meet."

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 239. COMMENDING AND PRAISING KEN STABLER FOR OUTSTANDING ACHIEVEMENT IN THE WORLD OF SPORTS.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

I have been directed by the House to request the Senate to return to the House for further consideration House bill:

H. 348. To amend Section 15, Title 51, Code of Alabama 1940 relating to homestead exemptions so as to increase the amount of said exemption.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Fine, consideration of the foregoing Message from the House, relative to H. B. 348, was postponed temporarily.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration.

By Messrs. Gafford, Armstrong, Waggoner, White, Moore (O), Falkenburg, Hilliard, Jackson (R) and Hopping.

**H. J. R. 83. CONDEMNING TELEVISION REPORTER STEVE PETROU OF WBRC-TV FOR CARELESS, RECKLESS AND IRRESPONSIBLE REPORTING CONCERNING REPRESENTATIVE JACK BIDDLE.**

WHEREAS, one of our colleagues, Representative Jack Biddle, has suffered a great injustice from a malicious, reckless, careless and irresponsible report broadcast on television station WBRC-TV by commentator Steve Petrou; and

WHEREAS, the content of this report was greatly distorted to the point of implying wrongdoings on the part of Representative Biddle; and

WHEREAS, in fact, the truth of the matter is that the transaction in question was not wrongful or illegal in the least; and

WHEREAS, Mr. Melvin Cooper, the executive secretary to the Alabama Ethics Commission has stated that Representative Biddle not only complied with all requirements of the Ethics Commission in the matter concerned and that the Ethics Commission can find no wrongdoing whatsoever; and

WHEREAS, the news media is granted special privileges in a democracy and granted great immunity from being answerable in a court of law about statements concerning public officials; and

WHEREAS, the news media might very well look to the policing of the ethics of their own profession in instances such as the one concerning Representative Biddle in order that they might forever preserve the right of a free press and the immunity they now receive; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That we do most strenuously condemn television station WBRC-TV and commentator Steve Petrou for the malicious, careless, reckless and irresponsible reporting in regard to Representative Jack Biddle.

**BE IT FURTHER RESOLVED,** That this legislature does hereby express its utmost confidence in the honesty and integrity of our colleague, Representative Jack Biddle, and do direct that he be presented with a copy of this resolution as a token of our high esteem and regard.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The Resolution, H. J. R. 83, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.



## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Crowe, Callahan, Sasser, Waggoner, Pegues, Rich, Owens, Sandusky, Smith (M), Robertson, Whatley and Baker:

H. 392. To provide that individuals who are charged and convicted of murder in the first degree, robbery, burglary, and rape and are subsequently sentenced to life imprisonment, shall not be eligible for parole; and to repeal conflicting statutes.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 392. To the Committee on Judiciary.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. McCluskey:

H. J. R. 74. DEPLORING THE PRESIDENTIAL PARDON OF VIETNAM DRAFT DODGERS AND MEMORIALIZING PRESIDENT CARTER NOT TO EXTEND PARDONS OR AMNESTIES TO DESERTERS OF THE VIETNAM CONFLICT.

WHEREAS, our great nation was founded on the noble principles of sacrifice and devotion to duty; and

WHEREAS, for two hundred years every American worthy of the name, when asked to serve his country, has responded courageously to preserve our country's finest ideals for future generations, and there can be no better example of patriotism; and

WHEREAS, hundreds of thousands of Americans honorably gave service to this country when called upon to do so in Vietnam; and

WHEREAS, thousands of American servicemen were wounded, disabled, and killed in action in Vietnam and Southeast Asia; and

WHEREAS, these servicemen gave of themselves to preserve the ideals of the democratic system of government; and

WHEREAS, these gallant citizens who served in this unpopular conflict exhibited on a rare scale the attributes of courage, patriotism, and devotion to duty; and

WHEREAS, the friends and families of those wounded and killed in Vietnam have suffered great hardship and personal grief; and

WHEREAS, thousands of draft dodgers and deserters chose to expatriate themselves from this country while others were honorably serving; and

WHEREAS, such draft dodgers and deserters had an opportunity for a case by case determination of their actions; and

WHEREAS, such flagrant disregard for the laws of this nation undermines the moral strength of our Republic and is a travesty against those who served so honorably and the thousands who sacrificed their lives; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body deplors the presidential pardons granted to the Vietnam draft dodgers and we do respectfully urge President Carter not to extend pardons or amnesties to deserters of the Vietnam conflict.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the President of the United States and to each member of the Alabama Congressional Delegation.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The Resolution, H. J. R. 74, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Owens, Sasser, Callahan, Higginbotham, Sandusky, Crowe, Smith (M) and Waggoner:

H. 364. To require trial judges to charge the jury, in prosecutions for crimes for which the jury by law sets the punishment, as to when and how the defendant, if found guilty, might legally be granted parole, and to allow the prosecutor in such cases to argue the legal possibility of parole to the jury.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate standing committee, as follows:

H. B. 364. To the Committee on Judiciary.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Dial:

H. 41. To grant to counties and municipalities acting separately or jointly the power to acquire and develop industrial or commercial parks, to sell or lease all or part of said parks to private enterprises or other public entities, and to finance such acquisition and development by the issuance of general obligation warrants and refunding warrants of the participating governmental units, to authorize the pledging of taxes in payment thereof, to exempt actions hereunder from other laws of the state, including those respecting financial control, and to declare the provisions hereof severable.

Also:

By Mr. Dial:

H. 42. To authorize the incorporation with respect to the several counties in this state, of nonprofit public corporations for the purpose of acquiring, enlarging, improving, replacing, expanding, owning, leasing and disposing of properties for the purpose of promoting industry, developing trade, and furthering the use of agricultural, natural and human resources; to provide for the issuance by any such corporation of interest bearing revenue bonds and other interest bearing revenue securities payable solely out of the revenues and receipts from any such properties; to authorize the refunding of any such bonds or securities; to exempt from all taxation in this state each such corporation, its property, corporate activities, income, revenues, securities, the income from its bonds or securities, and conveyances, leases and mortgages to which such corporation is a party; to exempt such corporations from the laws of the state governing usury or prescribing interest rates; to exempt such corporations and all contracts made by it from the laws which provide for competitive bids in connection with certain contracts; to authorize certain conveyances to any such corporation by certain other public corporations and the assumption of the indebtedness thereof.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 41 and 42. To the Committee on Local Government.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Jolly, Leonard, Jackson (R), Boles, McNair, Harrison, Hopping, Hilliard and Tucker (with notice and proof):

H. 202. To authorize the Jefferson County governing body to levy and collect, in addition to all other taxes heretofore imposed by law, a county excise and privilege tax on every person severing coal within the county; to provide that the proceeds collected therefrom be deposited in the county treasury and to provide for the distribution therefrom; to authorize the county governing body to use such proceeds to repair county roads and certain municipal streets and avenues; to prohibit the expenditure of such funds for bonded indebtedness or road equipment of any nature; to authorize the county governing body to inspect the books of each person severing coal and to make such reasonable rules and regulations as may be necessary to enforce and collect the tax imposed by this act; and to prescribe penalties for the violations of the provisions of this act.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 202, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Messrs. Higginbotham, Callahan, Sasser, Waggoner, Rich, Biddle, Owens, Crowe, Sandusky, Cooper, Whatley and Baker:

H. 383. To provide that any person convicted of any act, or attempt to commit the act, of murder, rape, robbery, or assault with a deadly weapon directly and proximately resulting in serious bodily harm to another shall serve the sentence imposed without parole; and to repeal conflicting statutes.

Also:

By Messrs. Crowe, Sandusky, Coburn, Smith (M), Robertson, Higginbotham, Callahan, Sasser, Waggoner and Merrill:

H. 329. To amend Title 14, Section 49, Code of Alabama 1940, as amended, to increase the punishment for conviction of the crime of blackmail from a misdemeanor to a felony, and providing punishment of from one to ten years imprisonment.

Also:

By Messrs. Crowe, Sandusky, Cooper, Smith (M), Robertson, Callahan, Sasser, Manley, Morris, Pegues, Waggoner, Rich, Merrill, Biddle, Gafford, Drake and Owens:

H. 330. Proscribing the possession of specified contraband within the confines of correctional institutions, and providing for a further prohibition by institutional officials.

Also:

By Messrs. Biddle, Sasser, McNees, Smith (B), Moore (O), White, Gafford and Manley:

H. 380. To provide that opinion and reputation evidence and evidence of specific acts relating to the complaining witness' previous sexual conduct shall be inadmissible by the defendant in criminal sexual conduct cases, including: rape, sodomy, sexual misconduct, sexual abuse,

criminal sexual conduct, or carnal knowledge; to make prohibition against admissibility inapplicable to complaining witness' sexual conduct with defendant; and to provide procedures by which a court may determine relevancy of evidence proposed to be admitted before such evidence is introduced.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 202. To the Committee on Local Legislation No. 2.

H. B.'s 383, 329, 330, and 380. To the Committee on Judiciary.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Sasser, Crowe, Sandusky, Smith (M), Robertson, Moore (O), Higginbotham, Sonnier, Callahan, Pegues, Waggoner, Rich, Merrill, Biddle, Gafford, Owens, Holmes (D), Naramore, Roberts, Carter, Cross, Smith (B), Campbell, Dial, Whatley, Baker, Turnham, McMillan, Hines, Warren, Smith (C), Weeks, McNees, Martin, McCulley, White, Moore (W), Shelton and Jackson (F):

H. 327. To define an habitual criminal; providing procedure to determine who is an habitual criminal; providing for the indictment, trial, imprisonment, probation, parole and punishment of habitual criminals; prescribing rules of evidence for the trial of habitual criminals; prescribing the powers and duties of courts and juries in the trials of habitual criminals; prescribing the procedure and the powers and duties of courts in appeals from convictions and sentences of habitual criminals; and prescribing the form of complaints, charges, and indictment against habitual criminals.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate standing committee, as follows:

H. B. 327. To the Committee on Judiciary.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Martin, Roberts, Drake and Cross:

H. 169. To authorize any county or incorporated municipality to issue revenue bonds under the provisions of Subdivision 3 of Article 2 of Chapter 6 of Title 37 of the Code of Alabama of 1940, as amended, for the purpose of refunding the principal of any outstanding general or limited obligation warrants of any such county or incorporated municipality issued (directly or indirectly) for the purpose of financing the acquisition, improvement, enlargement, extension or repair of any water works system, gas system, electric system or sanitary sewer system or that were issued to refund any general or limited obligation warrant or warrants initially issued (directly or indirectly) for any such purpose or purposes, as well as for the combined purpose of refunding the principal of any such general or limited obligation warrants and any other purpose or purposes specified in Section 312 of Title 37 of the Code of Alabama of 1940, as amended.

Also:

By Mr. Hilliard:

H. 284. To provide that the Student Union Building complex at Lawson State Community College be named the Leon Kennedy Student Union Building.

Also:

By Messrs. Goodwin and Coburn (with notice and proof):

H. 507. To amend Section 4 of Act No. 246, H. 871, 1976 Regular Session (Acts of 1976, p. 281), relating to purging the lists of registered voters in Colbert County and prescribing the procedure for the reidentification of registered voters; so as to increase the compensation paid members of the board of registrars and to make this act retroactive.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 507, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Mr. Hines (with notice and proof):

H. 513. Relating to Escambia County, Alabama allowing the municipal governing bodies of the City of Brewton located in such County to determine the closing hours for places selling alcoholic beverages within its city limits and police jurisdiction.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 513, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Mr. Falkenburg:

H. 7. To amend the Title and Section 1 of Act No. 1006, H. 111, 1973 Regular Session (Acts of 1973, p. 1541), entitled, "An Act Relating to counties having a population in excess of 600,000 inhabitants; providing

that automotive parts businesses, antique dealers, flea markets, gift shops, and shops operated at hospitals, public parks, public airports, public auditoriums and civic centers or bowling alleys in such counties may operate on Sunday," so as to provide that organized trade shows in which no retail sales to the public are permitted and which shows are sponsored by the area chamber of commerce, may operate on Sunday.

Also:

By Messrs. Hall, Jackson (R), Trammell, Jolly, Porter, Boles, Biddle, Hopping, McNair, Leonard, Hilliard, Howard, Armstrong, Waggoner, Harrison, Gafford, White and Tucker (with notice and proof):

H. 189. Relating to Jefferson County; to authorize the Jefferson County governing body and municipal governing bodies within Jefferson County to regulate the use of explosives for surface mining activities within their respective police jurisdictions.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 189, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Mr. Hall:

H. 194. To amend further Constitutional Amendment 239, proposed by Act No. 132, H. 178, 1964 First Special Session (Acts of 1964, p. 187), as amended by Amendment 314 of the Constitution of Alabama of 1901, proposed by Act No. 506, H. 1406 of the 1971 Regular Session (Acts of 1971, p. 1230), so as to provide for the formation of districts in Jefferson County to provide fire fighting and prevention and medical rescue systems and services, and garbage collection and disposal systems and services; and to permit the legislature to authorize such districts to establish and collect charges for such systems and services, provided, however, such charges or any increase thereof shall not be effective unless adequate prior public notice thereof has been given and, if an election on the proposed charges have been petitioned for by the electors of the district, the same are first approved by a majority of the votes cast in an election held by the qualified electors residing within the district.

Also:

By Mr. Hall (with notice and proof):

H. 193. To amend the Title and Sections 2 and 13 of Act No. 79, H. 99, 1966 Special Session (Acts of 1966, p. 106), as amended, entitled "An Act To provide in Jefferson County, Alabama, for the creation and maintenance of districts for fighting or preventing fires, districts for the collection and disposal of garbage and districts for both of the aforesaid purposes; to provide that any such district may be created for any area upon the conditions and in the manner provided for in the act; to provide that upon the petition of at least 100 qualified electors residing within any proposed district the probate judge shall call an election at which there shall be submitted to the qualified electors residing within the proposed district the question of whether the proposed district shall be created; to provide what the petition for such election shall contain; to provide for the

time and the conduct of such election; to provide that the county shall pay the expense of conducting such election; to provide that if the district is created the district shall reimburse the county for the expenses incurred by the county in respect to the election; to provide that after a district has been established the district shall pay the expense of any election held in the district or held in any area which it is proposed be added to the district; to provide that no district shall be created unless the creation thereof has been approved by the majority of votes cast at the election; to provide that if the creation of the proposed district is approved by the majority of votes cast at the election, the proposed district shall be created and shall constitute a public corporation; to provide that a district may be enlarged by the inclusion of additional area therein, provided the inclusion of such area in the district is approved by the majority of votes cast by the qualified electors residing within the proposed additional area; to provide for the time and conduct of such election; to provide that the affairs and business of the district shall be managed by a board of trustees consisting of five members appointed by the governing body of the county; to provide for the terms of office of the members of the board; to provide that the board of trustees shall elect from its own number a president and a secretary; to provide that the members of the board of trustees shall not be entitled to any compensation for their services but shall be entitled to reimbursement for all expenses incurred by them in the performance of their duties; to define the rights, powers and authority of the districts; to authorize any such district to pledge all or any part of its revenues, or to mortgage or otherwise encumber all or any part of its property for the purpose of securing the payment of the principal of and interest on any of its obligations; to authorize any such district to levy and collect service charges as provided for in the act and, subject to the limitations prescribed in the act, to provide that no such service charge shall be levied unless the same is first approved by a majority of the votes cast at an election held by the qualified electors residing within the district; to provide for the dissolution of any such district; to provide that the provisions of the act are severable; to repeal all laws, or parts of laws, in conflict with the act; and to provide when the act shall take effect," so as to provide for including medical rescue systems and services in fire fighting or prevention districts and to provide that any service charge to pay for such services or any increase thereof shall not be effective unless adequate prior public notice thereof has been given, and if an election thereon has been petitioned for by the electors of the district, such proposed charges must be approved by a majority of the qualified voters voting in an election held in a district.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 193, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Messrs. Jolly, Trammell, Hall, Leonard, Jackson (R), Boles, McNair, Harrison, Hopping, Hilliard and Tucker (with notice and proof):

H. 201. Relating to Jefferson County; to authorize the county governing body and governing bodies of municipalities within the county to regulate surface mining activities within their respective police jurisdictions.



I hereby certify that this Notice & Proof is attached to the Bill, H. B. 201, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 169. To the Committee on Local Government.

H. B. 284. To the Committee on State Government.

H. B.'s 507 and 513. To the Committee on Local Legislation No. 1.

H. B.'s 7, 189, 194, 193, and 201. To the Committee on Local Legislation No. 2.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Drake (with notice and proof):

H. 147. To authorize and direct the Cullman County Commission to levy and provide for the collection of an additional tax on motor fuels, and to provide for distribution and use of the proceeds from the tax.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 147, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Mr. Brindley (with notice and proof):

H. 406. To permit banks now or hereinafter situated in, or having a branch in, Etowah County to establish, maintain and operate branch banks and branch offices within the limits of said county for the conduct of a general banking and trust business; and to repeal conflicting laws.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 406, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Messrs. Drake and Sparks:

H. 556. To prohibit the killing of any fox except in the course of hunting on horseback or if the animal is caught committing or attempting

to commit depredation to livestock or poultry or is a menace to the health and safety of a human being, in any county having a population of not less than 50,000 nor more than 52,500 inhabitants according to the 1970 or any subsequent federal decennial census.

Also:

By Mr. Campbell:

H. 533. Relating to the First Judicial Circuit; to further regulate the compensation of the court reporters for said circuit.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 147, 406, 556, and 533. To the Committee on Local Legislation No. 1.

### ADJOURNMENT

At 4 o'clock P.M., on motion of Mr. McDonald (A), in accordance with Joint Resolution heretofore adopted, and pending further consideration of S.B. 62, the Senate adjourned until Wednesday, February 23, 1977, at 2 o'clock P.M.

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### SEVENTH LEGISLATIVE DAY

WEDNESDAY, FEBRUARY 23, 1977

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

### PRAYER

The Session was opened with prayer by the Reverend D. A. Newsome, Pastor, Saint Luke United Methodist Church, Montgomery, Alabama.

### ROLL CALL

Present:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Gilmore, Goodwin, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Pearson, Peden, Perloff, Perry, Powell, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

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### JOURNAL

On motion of Mr. Fine, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Sixth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

OBIE J. LITTLETON,  
Acting Chairman.

COMMITTEE REPORT

On motion of Mr. Littleton, the foregoing report was concurred in and the Journal of the Senate for the Sixth Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. Fine, leave of absence was granted Messrs. Clemon, Owen, and Roberts for today.

REPORT OF  
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 13. MOURNING THE DEATH OF HIS EXCELLENCY,  
THE MOST REVEREND ARCHBISHOP THOMAS J. TOOLLEN.

Also:

S. J. R. 14. COMMENDING THE CRICHTON OPTIMIST  
CLUB FOR ITS WORK WITH THE YOUTH OF MOBILE COUNTY  
AND THE STATE.

Also:

S. J. R. 16. COMMENDING MARCIA KUNSTEL FOR HER  
"CAPITOL HILL" COVERAGE AND WISHING HER SUCCESS IN  
HER NEW JOURNALISTIC ENDEAVOR.

Also:

S. J. R. 239. COMMENDING AND PRAISING KEN STABLER  
FOR OUTSTANDING ACHIEVEMENT IN THE WORLD OF SPORTS.

IN MEMORIAM

RICHARD FAHEY DOMINICK

1927-1976

MEMBER OF ALABAMA SENATE

1967-1975

Also:

S. J. R. 241. MOURNING THE DEATH OF FORMER SENATOR RICHARD DOMINICK.

Also:

S. J. R. 242. CONGRATULATING VAUGHN STEWART ON HIS ELECTION AS PRESIDENT OF THE STUDENT BODY OF THE UNIVERSITY OF ALABAMA.

Also:

S. J. R. 244. MOURNING THE DEATH OF DR. KENNETH E. JOHNSON.

Also:

S. J. R. 245. COMMENDING THE LEE HIGH SCHOOL BAND OF HUNTSVILLE ON BEING THE GOVERNOR'S SELECTION FOR REPRESENTING OUR STATE IN THE PRESIDENTIAL INAUGURATION.

OBIE J. LITTLETON,  
Acting Chairman.

#### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

#### INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Fine:

S. 532. To amend Code of Alabama, 1940, as amended, Title 29, Section 12; so as to prohibit the advertising of alcoholic beverages by billboards in "dry" counties; and to permit such advertising in "wet" counties.

Committee on State Government.

By Mr. St. John:

S. 533. To provide that Alabama enter into the Interstate Agreement on Detainers Act, with other member-states, which promotes cooperation between the several states to secure a speedy trial of persons already incarcerated in other jurisdictions by the expeditious and orderly disposition of all detainers based on untried indictments, information or complaints; and to further provide for the uniform mandatory disposition of detainers so as to prescribe the manner and procedures for release of detainers available to incarcerated persons against whom there is pending untried indictments, information or complaints.

Committee on Judiciary.

By Mr. Wilson:

S. 534. To amend Act No. 704, H. 475 of the Regular Session of 1951, commonly known as the Motor Vehicle Safety-Responsibility Act, so as to increase the security required therein.

Committee on Judiciary.

By Messrs. Peden, Edwards, Fine, St. John, Vacca, Noonan, Gilmore and Perloff:

S. 535. To require that any project approved as an undertaking to be acquired by any medical clinic board incorporated under Act No. 516 of the 1955 Regular Session of the Legislature, as amended and supplemented (1977 Code Title 11, Chapter 58, Section 1 et seq.) may be disapproved within a limited time by the governing body of the municipality whose consent for the incorporation of such board is required if such project is located within the corporate limits of such municipality.

Committee on Local Government.

By Messrs. Peden, Edwards, Fine, St. John, Vacca, Gilmore and Perloff:

S. 536. To require that any project approved as an undertaking to be acquired by any industrial development board incorporated under Act No. 648 of the 1949 Regular Session of the Legislature, as amended and supplemented (1977 Code Title 11, Chapter 54, Section 80, et seq.) may be disapproved within a limited time by the governing body of the municipality whose consent for the incorporation of such board is required if such project is located within the corporate limits of such municipality.

Committee on Local Government.

By Messrs. Peden, Edwards, Fine, St. John, Vacca, Noonan, Gilmore and Perloff:

S. 537. Proposing an amendment to the constitution of Alabama pertaining to the issuance of revenue bonds and other revenue securities by municipalities.

Committee on Local Government.

The above Bill was read a first time at length as required by the Constitution.

By Mr. McDonald (S):

S. 538. Proposing an amendment to further amend Article XI, Section 217, of the Constitution of Alabama 1901 relative to ad valorem taxation; further providing for the assessment of taxable property and the levy of such tax.

Committee on Finance and Taxation.

The above Bill was read a first time at length as required by the Constitution.

By Mr. McDonald (S):

S. 539. To amend and reenact Act No. 87, S. 40, 1971, Third Special Session, (Acts of 1971, p. 4299, now appearing in Code of Alabama, Recompiled 1958, Title 52, Sections 641-651), relating to the regulation of

certain schools and courses of instruction publicized, sold, offered for sale and administered to residents of this State; so as to further regulate such schools and courses of instruction and to provide for funding.

Committee on Education.

By Mr. Waldrop:

S. 540. To re-enact and to amend further Act No. 519, H. 1172 of the 1975 Regular Session (Acts of Alabama, 1975, Vol. II, p. 1165), which relates to the power of boards of education in counties having populations of not less than 90,000 nor more than 100,000 inhabitants, to borrow money for capital outlay purposes, so as to delete provisions in such acts relative to the distribution of the revenues derived from the tax on malt or brewed beverages and the provisions for establishment of an advisory council, and to regulate further the procedure for obtaining loans and the time within which the loan must be repaid.

Committee on Local Legislation No. 1.

By Messrs. Stewart and Owen:

S. 541. To create a state school bus maintenance and repair facility to be operated by the State Board of Corrections; to further create a permanent governing committee which shall direct the establishment and operation of such facility; and to make appropriations from the general fund in the State Treasury to said board to be used for such facility.

Committee on Finance and Taxation.

By Messrs. Goodwin and Miller:

S. 542. To reorganize the Executive Department of state government; to express the public policy of the State regarding the structure and functions of the Executive Department, and to state the intent of the Legislature concerning the reorganization of the Executive Department, the establishment of new executive offices, the orderly transfer of certain enumerated agencies or the functions of such agencies to such executive offices, the effect of such reorganization on existing agencies of the Executive Department and their employees, the establishment in the future of executive offices or agencies, and the assignment or transfer of powers, duties, and functions of existing agencies, or agencies hereinafter created, to the executive offices or agencies established hereafter; to define certain terms, and to provide a uniform nomenclature for the internal structure of executive offices established in the Act; to list the Constitutional, elective, and executive offices which compose the Executive Department, except as may be otherwise provided by law; to limit the number of executive offices within the Executive Department of fifteen and to provide for the future assignment of agencies or functions to the executive offices established herein; to establish within each executive office established herein the position of Secretary; to enumerate the powers, duties, and functions of Secretaries of executive offices; to provide that Secretaries of executive offices shall perform their functions under the general control and supervision of the Governor; to provide that certain officers may be appointed for the executive offices established herein, including Deputy Secretaries, directors, supervisors, chiefs, and legal counsel; to provide that certain officers shall obtain commissions before entering upon and exercising the duties of their respective offices; to provide for the place of

residence, oath of office, and official bond of certain enumerated officers of the executive offices established herein; to provide salaries for officers and employees of executive offices; to specify those officers and employees of executive offices who are subject to the State merit system law; to enumerate those officers of executive offices subject to impeachment and governed by the provisions of Act No. 130 enacted at the 1975 Regular Session of the Legislature; to provide for the transfer for administrative purposes of existing agencies of the Executive Department to the executive offices established herein; to provide that such agencies shall continue to perform their statutory functions under the supervision and regulation of the executive office to which they are transferred, except in the case of certain examining and licensing agencies and agencies authorized to issue bonds or other evidences of indebtedness; to specify those services which the executive office may perform for an agency transferred to it for administrative purposes; to provide for the transfer of the effects and the employees of agencies transferred for administrative purposes; to define the effect of such transfer on the obligations and debts of such agencies and the ability of such agencies, the State, or its executive offices, to comply with federal laws concerning federal assistance to any of them; to provide for the transfer of existing agencies and their statutory functions to an executive office established herein; to provide that any agency so transferred shall continue to exist as an advisory agency or advisory council within the executive office to which it is transferred; to provide for the effect of such transfer on the performance of the statutory functions transferred, the filing of certain financial information, the pending business of any agency so transferred, the obligations and debts of any such agency, and the ability of any such agency, the State, or its executive offices to comply with federal laws concerning federal assistance to any of them; to provide for the transfer of the effects and the employees of any agency so transferred; to provide for the abolition of existing agencies and the transfer of their statutory functions to an executive office established herein; to provide for the effect of such abolition and transfer on the performance of the statutory functions transferred, the pending business of any abolished agency, the obligations and debts of any abolished agency, and the ability of the State, or its executive offices, to comply with federal laws concerning federal assistance to any of them or to any agency so abolished; to provide for the transfer of the effects and the employees of any agency so abolished; to provide that existing agencies may be abolished and that their statutory functions shall cease to exist; to provide for the effect of such abolition on the pending business of any such agency, its obligations, and its effects; to provide that civil and criminal actions pending on October 1, 1978, shall not be affected by this Act, except as specifically provided herein; to provide for employees of the State affected by this Act; to provide for other effects of this Act on the holders of bonds and obligations issued before October 1, 1978, and the parties to contracts and other agreements entered into before October 1, 1978; to continue lawfully adopted rules and regulations of certain agencies; to provide that the Governor may replace any state officer whose position is not continued by this Act and who is a member of an agency continued or transferred by this Act; to provide that the Governor shall be responsible for formulating and implementing a transition plan which carries out the provisions and purposes of this Act; to require the cooperation of all existing agencies of the Executive Department with the Governor in implementing this Act; to provide that the Legislature shall be furnished certain information pertaining to the reorganization of the Executive Department; to appropriate specified sums to the Office of the Governor to implement this Act; to provide that the transfer of agencies



and functions of agencies as provided herein shall be effective on October 1, 1978; to provide for a Cabinet; to specify its members and assign it certain advisory functions; to provide for the continuation of any agency of the Executive Department existing on the effective date of this Act, except as otherwise provided herein; to specify a short title for this Act; to provide that if any provision of this Act is declared invalid, that such declaration shall not affect the validity of the remainder of the Act; to repeal all laws or portions of laws in conflict with this Act; to provide an effective date for this Act; to establish in the Executive Department the following executive offices: Office of Administration; Office of Business Regulation; Office of Economic and Community Development; Office of Forestry Services; Office of Health Resources; Office of Labor; Office of Mental Health; Office of Military Affairs; Office of Natural Resources; Office of Prisons and Rehabilitation; Office of Protection and Law Enforcement; Office of Revenue; Office of Social Services; Office of State Enterprises; Office of Transportation; to provide for the transfer of certain enumerated agencies to these executive offices by a specified method of reorganization; to provide that the Governor may by executive order abolish or transfer certain enumerated agencies established by Executive order to specified executive offices and by a specified method of reorganization; to abolish certain agencies; and to repeal specifically the following Acts or provisions thereof: Section 2(d) of Act No. 48 enacted at the 1950 Fifth Special Session of the Legislature; Act No. 514 enacted at the 1963 Regular Session of the Legislature; Section 3 of Act No. 712 enacted at the 1951 Regular Session of the Legislature; Sections 6 and 7 of Act No. 226 enacted at the 1965 Regular Session of the Legislature; Section 4(c) of Act No. 2059 enacted at the 1971 Regular Session of the Legislature; Section 5 of Act No. 582 enacted at the 1963 Regular Session of the Legislature; Act No. 1115 enacted at the 1969 Regular Session of the Legislature; Act No. 324 enacted at the 1947 Regular Session of the Legislature; Section 5 of Act No. 47 enacted at the 1955 Regular Session of the Legislature; Sections 4 and 5 of Act No. 103 enacted at the 1955 Regular Session of the Legislature; Act No. 92 enacted at the 1965 First Special Session of the Legislature; Section 32 of Act No. 1049 enacted at the 1969 Regular Session of the Legislature; Sections 4, 5, and 6 of Act No. 816 enacted at the 1973 Regular Session of the Legislature; Section 5 of Act No. 673 enacted at the 1947 Regular Session of the Legislature; Act No. 889 enacted at the 1953 Regular Session of the Legislature; Sections 8 and 9 of Act No. 1197 enacted at the 1975 Regular Session of the Legislature; Section 3 of Act No. 446 enacted at the 1963 Regular Session of the Legislature; Section 4 of Act No. 394 enacted at the 1957 Regular Session of the Legislature; Section 2 of Act No. 373 enacted at the 1955 Regular Session of the Legislature, as amended.

Committee on State Government.

By Mr. Goodwin:

S. 543. To amend Section 2.08 of Act No. 174, S. 94, Third Special Session 1971 (Acts 1971, p. 4423), now appearing as Code of Alabama, Recompiled 1958, Title 49, Section 84 (2) relating to child care, so as to exempt any religious educational institution which provides instruction to children younger than compulsory school age and which is operated as part of an elementary school unit or secondary school unit or an institution of higher learning from the provisions of said act.

Committee on Education.

By Messrs. Goodwin, Noonan, Miller, Teague and Vacca:

S. 544. To amend Code of Alabama, 1940, Title 35, Section 187, relating to the corporate body of the Armory Commission, so as to extend the succession of its corporate name from thirty years to as long as there exists in the State of Alabama a National Guard or Militia of Alabama.

Committee on State Government.

By Mr. Mitchell:

S. 545. To further regulate any insurance company licensed to do business in this State which issues policies insuring loss resulting from cancer; and to prescribe penalties for violations of the provisions of this Act.

Committee on Insurance.

By Mr. Mitchell:

S. 546. To amend further Code of Alabama, 1940, Title 51, Section 606, as amended, so as to reduce the privilege license tax levied against persons issuing or selling trading stamps.

Committee on Finance and Taxation.

By Mr. Jones:

S. 547. Relating to all counties having populations of not less than 125,000 nor more than 175,000 according to the most recent federal decennial census, to authorize and provide for an additional expense allowance for the sheriff of said counties.

Committee on Local Legislation No. 1.

By Mr. Jones:

S. 548. Relating to counties having a population of not less than 150,000 nor more than 180,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide further for the use of the state pay for the district judges in such counties.

Committee on Local Legislation No. 1.

By Mr. Mitchell:

S. 549. Relating to all counties having a population of not less than 13,000 nor more than 13,250 inhabitants according to the 1970 or any subsequent federal decennial census; to provide further for the use of the sheriff's fund in such counties and to repeal conflicting statutes.

Committee on Local Legislation No. 1.

By Mr. Mitchell:

S. 550. Providing a supplement to the salary of the circuit judge of the second judicial circuit to be paid in equal parts by the counties composing said circuit.

Committee on Local Legislation No. 1.

By Mr. Mitchell:

S. 551. To further regulate any insurance company licensed to do business in this State which issues policies insuring loss resulting from cancer; and to prescribe penalties for violations of the provisions of this Act.

Committee on Insurance.

By Mr. Noonan:

S. 552. Relating to the distribution of school funds; to amend Sections 1 and 3 of Act No. 33, H. 44 and Section 1 of Act No. 35, H. 77, 1969 Extra Session (Acts of 1969, p. 84 and 87; now appearing in Code of Alabama, Recompiled 1958, Title 52, Sections 215 (a1-a4) ) relating to the Minimum Program Fund, so as to substitute the words "Attendance" with "Enrollment", which will change the formula for distribution of Minimum Program Funds.

Committee on Education.

By Mr. Miller:

S. 553. To provide for privileged communication between minister and counselee.

Committee on Judiciary.

By Mr. Fine:

S. 554. Providing that certain elderly Alabama residents shall be entitled to hunt deer by any legal means without regard to sex during the special archery hunting season.

Committee on Conservation.

By Mr. Baker:

S. 555. Relating to all counties having populations of not less than 41,750 nor more than 45,000 according to the 1970 or any subsequent federal decennial census; further regulating the salary of the members of the board of equalization, board of registrars and jury commission in each such county.

Committee on Local Legislation No. 1.

By Mr. Baker:

S. 556. To amend Section 7 of Act No. 1163, H. 1829, 1973 Regular Session (Acts of 1973, p. 1948; now appearing in Code of Alabama, Recompiled 1958, Title 13, Section 528), which "creates the Judicial Retirement Fund, and provides for the administration and supervision thereof"; so as to change retirement benefits payable to 75% of the judge's final salary upon retirement.

Committee on Finance and Taxation.

By Mr. Baker:

S. 557. To amend Section 1 of Act No. 1050, S. 125, 1969 Regular Session (Acts of 1969, p. 1965; now appearing in Code of Alabama, Recompiled 1958, Title 13, Section 260(6a)) which relates to the salaries,

tenure and removal of supernumerary district attorneys; so as to provide that the salaries of such supernumerary district attorneys shall be seventy-five percent of the final salary paid to them upon their retirement.

Committee on Finance and Taxation.

By Mr. King:

S. 558. To exempt The Pathfinder, Inc. of Huntsville, Alabama from the payment of state, county or municipal sales or use taxes.

Committee on Finance and Taxation.

By Mr. King:

S. 559. To provide for and raise revenue to fund programs for the education, research, treatment or rehabilitation of alcoholics by levying an additional tax on the sale of spirituous or vinous liquors sold by the Alabama Alcoholic Beverage Control Board, said tax to be measured by the selling price of such liquors, exclusive of taxes heretofore levied with respect thereto; to provide that said selling price shall not be reduced for the purpose of absorbing the tax herein levied but that said tax shall be passed on to the purchaser; and to provide for payment of the proceeds from said tax into the various county general funds.

Committee on Finance and Taxation.

By Mr. King:

S. 560. To exempt The Huntsville-Madison County Council for International Visitors from the payment of state, county or municipal sales or use taxes.

Committee on Finance and Taxation.

By Messrs. Wilson, Pearson, Ellis, Gilmore, Vacca and McMillan:

S. 561. To name the new basic sciences building in the Medical Center of The University of Alabama in Birmingham Volker Hall.

Committee on State Government.

By Messrs. Wilson, Ellis, Pearson, Gilmore, Vacca and McMillan:

S. 562. To name the engineering building on the campus of The University of Alabama in Birmingham Cudworth Hall.

Committee on State Government.

By Mr. Perry:

S. 563. To provide for competitive bidding on certain contracts for labor, services, or work, or for the purchase of materials, equipment, supplies or other personal property, made by or on behalf of any public utility doing business in the State of Alabama, and prescribing penalties.

Committee on Commerce, Transportation  
and Utilities.

By Mr. Teague:

S. 564. To make a conditional appropriation to the Alabama Forestry Commission for the purpose of establishing a wildfire emergency

fund; to provide for use of the fund; and to provide that the fund be replenished back to its original amount at the end of the fiscal year.

Committee on Finance and Taxation.

By Messrs. Powell, Teague, Mims, Shelby, Gilmore, Vacca, Wilson, Edwards, Mitchell, Peden, Adams, Noonan, St. John, Stewart, McDonald (A), Jones, Bank, McDonald (S), Ellis, Littleton, King, Waldrop and Fine:

S. 565. Amend Section 1 Act No. 35, 1969 Special Session (1969 Acts Book, Vol. 1, pp. 86-87) so as to prescribe the manner of determining teacher units for the purpose of apportioning the minimum school program fund; and to repeal and supersede conflicting laws or parts of laws.

Committee on Education.

By Mr. Noonan:

S. 566. To amend further Section 1, of Act No. 530, H. 635 of the 1949 Regular Session (Acts 1949, p. 835), which act relates to public health and licensure of hospitals, so as to further prescribe regulations therefor and clarify and expand the definitions.

Committee on Health and Welfare.

### COMMUNICATION FROM THE SUPREME COURT

THE STATE OF ALABAMA—JUDICIAL DEPARTMENT  
THE SUPREME COURT OF ALABAMA  
OCTOBER TERM, 1976-77

To the Honorable Senate  
State of Alabama  
State Capitol  
Montgomery, Alabama 36130

Gentlemen:

On February 15, 1977, we received your request for an advisory opinion relative to Senate Bills 195 and 196, a copy of which is attached.

Senate Bill 195 allows individuals to carry back, and carry forward net operating losses as deductions from gross income, while Bill 196 allows the same treatment of net operating losses to domestic and foreign corporations. In either instance—carry back or carry forward net operating loss—the taxable income of an individual and a corporation is affected, that is, decreased. This in turn decreases the income tax payable to the State of Alabama. Both bills, therefore, are bills to decrease revenue. And, revenue bills must originate in the House of Representatives. See Opinion of the Justices, 238 Ala. 289, 190 So. 824.

We are of the opinion that Senate Bills 195 and 196 violate § 70, Constitution 1901.

Because these bills are revenue bills and must, under § 70 of the Constitution, originate in the House of Representatives, we pretermit

discussion of whether they violate § 100. They would have to pass constitutional muster under § 70 before consideration of § 100.

Respectfully submitted,

C. C. TORBERT, JR.,  
Chief Justice

JAMES N. BLOODWORTH

HUGH MADDOX

JAMES H. FAULKNER

RENEAU P. ALMON

JANIE L. SHORES

ERIC EMBRY

SAMUEL A. BEATTY

Associate Justices

#### OPINION RENDERED

The foregoing opinion of the Supreme Court of Alabama, relative to the constitutionality of S. B.'s 195 and 196, was read and ordered spread upon the Journal.

#### CALENDAR BILLS INDEFINITELY POSTPONED

On motion of Mr. Vacca, further consideration of the Bills, S. B.'s 195 and 196, was indefinitely postponed by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Cooper, Sandusky, Crowe, Robertson, Smith (M), Higginbotham, Callahan, Sasser, Pegues, Waggoner, Gafford, Merrill and Biddle:

H. 422. To provide that the use of a firearm or destructive device to commit any felony, or to unlawfully carry a firearm during the commission of any felony is in violation of State law and unlawful; to prescribe for punishment in addition to the punishment provided for the commission of the felony; to prescribe mandatory sentencing upon a second or subsequent conviction, and to proscribe terms therefor from running concurrently; and to repeal all conflicting statutes.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 422. To the Committee on Judiciary.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Cooper, Sandusky, Coburn, Crowe, Robertson, Smith (M), Higginbotham, Callahan, Sasser, Manley, Morris, Pegues, Waggoner, Gafford, Biddle and Merrill:

H. 421. To prohibit threats against the person of another and to provide penalties therefor.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 421. To the Committee on Judiciary.

## REPORTS OF COMMITTEES

Mr. St. John, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Biddle, et al:

H. 380. To provide that opinion and reputation evidence and evidence of specific acts relating to the complaining witness' previous sexual conduct shall be inadmissible by the defendant in criminal sexual conduct cases, including: rape, sodomy, sexual misconduct, sexual abuse, criminal sexual conduct, or carnal knowledge; to make prohibition against admissibility inapplicable to complaining witness' sexual conduct with defendant; and to provide procedures by which a court may determine relevancy of evidence proposed to be admitted before such evidence is introduced.

By Messrs. McDonald (A), Stewart, King, Gilmore, Noonan, Clemon, Mims, Pearson, Ellis, Vacca and Jones:

S. 531. To direct the Code Commissioner to correct an error which appears in Title 16, Chapter 13, Article 3, Section 16-13-56 of the Manuscript of the Code 1975, which was adopted by Act No. 1, H. 100 of the current session of the Legislature, the section of such manuscript which deals with the determination of the amount of local funds available for purposes of the minimum school program, in order to make this section correctly state the law on this subject.

By Mr. Edwards:

S. 82. To amend Act No. 539, §6, 1975 Acts, by requiring the director of public safety to mail a notice of expiration and application for renewal to each motor vehicle licensee.

By Mr. Edwards:

S. 346. To provide limited tort immunity to school boards or systems in cases where students leave the campus with the written permission of their parent.

By Mr. Ellis:

S. 146. To prohibit the solicitation of contributions on the public streets, roads, and highways; and to prescribe penalties for the violation of this Act.

By Mr. Ellis:

S. 202. To define the term rare coin or medallion; to require persons operating businesses which deal with such coins and medallions to keep certain records, and to provide that a violation of this act constitutes a misdemeanor.

By Mr. Shelby:

S. 335. To provide that any defendant represented by counsel in a criminal case may enter a written plea of not guilty prior to his arraignment, and that such plea shall constitute a waiver of his right to have an arraignment at which he is present in person or represented in person by an attorney.

Mr. Bank, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Bank:

S. 86. To provide that any individual, group, or hospital service corporation policy of health insurance which is issued within this state, whether written for single or family coverage, shall include provisions for complete maternity care of women and their fetuses.

By Mr. Bank:

S. 416. Relating to hospitalization of mentally ill persons; defining terms; providing for specified civil, legal and treatment rights of patients; prescribing the duties and responsibilities of persons and agencies concerned with the admission and treatment of mentally ill persons; prescribing the quality of care and treatment of patients; and repealing conflicting laws.

By Mr. Bank:

S. 417. To amend Sections 7, 8 and 10 of Act No. 1226, 1975 Regular Session, (Acts of 1975, p. 2562) entitled "An Act Relating to the commitment of mentally ill persons to the custody of the State Department of Mental Health; prescribing the procedures for the involuntary commitment of mentally ill persons, prescribing the duties and responsibilities of all persons and departments concerned with the commitment of mentally ill persons; providing for the rights of persons sought to be committed as mentally ill; providing for the payment of costs of proceedings for the commitment of mentally ill persons; providing for appeal to circuit court by persons committed as mentally ill; prescribing



the jurisdiction of the probate court in regard to persons committed as mentally ill; providing for the transfer of mentally ill persons to facilities operated by the United States; and repealing conflicting laws," so as to further provide for notice to the Department of Mental Health and obligatory acceptance of persons committed; to provide probable cause hearings shall be included as hearings conducted by the probate judge in relation to a petition to commit any person to the custody of the State Department of Mental Health, with the same rules applying in such hearings; to provide that evidence required for commitment to be clear, unequivocal and convincing; to provide that commitment be the least restrictive alternative necessary and available for treatment of the person's mental illness. It provides that if treatment for the individual's mental illness becomes available, it should be made available to him immediately.

By Messrs. Ellis, Bank, McDonald (A) and Jones:

S. 206. Relating to emergency medical services in hospitals; authorizing the State Board of Health to establish, promulgate and enforce rules, regulations and minimum standards for the operation of emergency departments in hospitals of this State and to provide for the categorization of hospitals according to the capabilities of such departments and medical services available.

By Mr. Powell:

S. 413. To require that policies, contracts or certificates of group, individual, or blanket hospital or medical expense insurance issued, renewed, amended, or issued for delivery in this State which includes mental health services in the terms of the policies, contracts, or certificates shall include reimbursement for services rendered by a duly licensed psychologist of this State notwithstanding any provisions of the policies, contracts or certificates to the contrary.

By Mr. Noonan:

S. 302. To create in the State of Alabama a "Joint Advisory Board of Family Practice" to further the supply of competent family physicians; to provide for the Board's membership number and selection; and to establish the duties and authorities of the Advisory Board.

Mr. Gilmore, Chairman of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with amendment, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Stewart (With Amendment):

S. 227. To appropriate from the General Fund of the State of Alabama Treasury the sum of \$170,000 to pay the salaries and expenses of 11 additional employees in the Utility Division of the Alabama Public Service Commission for the fiscal year ending September 30, 1975.

By Mr. Edwards (With Amendment):

S. 67. To further regulate the operation of a motorcycle, motor scooter or any other two-wheel motorized vehicle on a public highway, road or street; and to provide punishment for violating the provisions of this act.

Mr. Gilmore, Chairman of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Wilson and Bank:

S. 469. To set forth a declaration of public policy and legislative intent; to define terms used herein; to require that persons detonating blasting agents and/or explosives be examined and licensed by the State of Alabama; to provide for the payment of fees for examinations and licenses; to provide for the suspension and revocation of licenses and for hearings and appeals in connection therewith; to provide for the licensing of certain persons experienced in blasting without examination upon the payment of a fee; to provide certain standards of blasting safety including notification to owners of certain types of properties and requiring that protective measures be taken when needed in regard to such properties, the covering of a certain type of detonating cord in certain circumstances, prohibiting the impeding of traffic by the throwing of blasted material on highways without prior agency approval and the prohibition of night time blasting except when necessary for safety of operations or with prior approval of Agency; to establish standards for blasting including establishing a peak particle velocity of ground motion at certain locations, the establishing of formulae for regulating the amounts of blasting agents and/or explosives allowable under certain conditions and establishing a table of such amounts; to provide for monitoring of blasting by seismological devices and prescribing criteria for their design and use; to establish a formula for computing certain effects of blasting; to establish permissible occasions for the use of seismographic equipment; to provide for the keeping of certain records and their availability for examination by the state; to require that those engaged in blasting operations obtain property damage and personal injury liability insurance; to establish penalties for the violation of this Act; to provide for the administration of this Act by the Department of Industrial Relations and by the Alabama Surface Mining Reclamation Commission; to provide a severability clause; to repeal certain laws and to prohibit the enactment of local, county, or municipal regulations; to establish powers of the administering agencies; to establish a short title, and to provide for an effective date.

Mr. Noonan, Chairman of the Standing Committee on Seaports and Inland Waterways, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Perloff (With Amendment):

S. 500. To provide that the State Oil and Gas Board shall be the sole state agency with jurisdiction and authority over the drilling of any oil and gas wells within this state and to provide that the state oil and gas supervisor shall make all rules and regulations to implement this act.

Mr. Noonan, Chairman of the Standing Committee on Seaports and Inland Waterways, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Noonan:

S. 505. To authorize a transfer between certain funds of the State Docks Department, amending Section 15 of Act No. 311, H. 253, approved August 20, 1957, an act providing for development of inland docks (Acts of Alabama 1957, Vol. I, P. 408), and providing that the amendment shall have retroactive effect.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Little:

S. 238. To create the office of county historian in all counties of this state having a population of not less than 60,000 nor more than 65,000 inhabitants, according to the 1970 or any subsequent federal decennial census; to provide for compensation and the method of appointment, and to prescribe the duties.

By Mr. Powell:

S. 411. To provide for a collective bargaining procedure to settle all employment problems for all firefighters employed by municipalities having a population of not less than 100,000 inhabitants nor more than 135,000 inhabitants according to the most recent federal decennial census; to provide definitions for terms used in this Act.

By Mr. Stewart:

S. 478. To propose an amendment to the Constitution of Alabama providing for home rule for Calhoun County or any municipality within Calhoun County.

The above Bill was read a second time at length as required by the Constitution.

By Mr. Little (with notice and proof):

S. 480. To provide that certain Lee County officers, i.e.: tax collector and tax assessor be placed on a salary; to provide further the amount and mode of payment; to establish clerk hire allowances for such officers, and to provide for the payment from the general funds of the county.

By Mr. Fine:

S. 524. Relating to the thirty-fourth judicial circuit, providing the district attorney of said circuit an annual expense allowance payable by the county composing said circuit.

By Mr. Fine:

S. 528. Relating to the thirty-fourth judicial circuit, providing the circuit judge of said circuit an annual county supplemental compensation payable by the county composing said circuit.

By Mr. Folmar (with notice and proof):

H. 10. Relating to Pike County, increasing the pistol permit fee in said county and providing for retroactive effect.

By Messrs. Baker and Whatley:

H. 114. To permit any city in the State of Alabama having a population of not less than 23,000 nor more than 27,000 inhabitants according to the 1970 or any subsequent federal decennial census to adopt the council-manager form of municipal government, to provide for the calling and holding of elections to vote thereon, to provide for the election and term of the first council, to define the legal status, form of government and powers of the city, to provide for subsequent elections of members of the council, their number and their terms of office, to provide for the qualification, powers and authority of the council, the mayor and the city clerk, and for the election of the mayor and city clerk, to provide for the appointment and removal and to define the powers of the city manager, to provide for an annual budget, its preparation, submission, adoption and effect, to create and define the powers and duties of a department of finance and of the director thereof, to regulate purchases and contracts of the city, and to define their powers and authority, to set up the terms and effects of succession in government of any city adopting the council-manager form of government, to provide for the establishment and re-establishment of districts, to make various other provisions for such form of government of any such city, and to provide for the means of abandoning the council-manager form of government.

By Mr. Dial:

H. 137. To authorize the county commission in all counties having a population of not less than 10,900 nor more than 11,500 inhabitants according to the 1970 or any subsequent federal decennial census to appropriate from the county general fund the necessary funds to adequately support those little league athletic programs directly affiliated with any of the public schools in such counties and to provide retroactive effect for said act.

By Messrs. Weeks and McNees:

H. 139. To provide for and authorize the incorporation of a public corporation as a political subdivision of the state to be named Buttahatchee River Development Authority, for the development of the Buttahatchee River, its tributaries and watershed, for the purposes of navigation, water conservation and supply, flood control, irrigation, industrial development, public recreation and related purposes; to provide for the composition of the board of directors of the Authority; to specify the powers and duties of the Authority and its board of directors; to authorize the Authority to investigate the resources of the Buttahatchee River watershed, to determine requirements for its full development and control, and to carry out a unified comprehensive program of resource development, together with other powers to effectuate the foregoing objective; to authorize the Authority to acquire land and interests in land by purchase, construction, lease, condemnation or otherwise, and to hold, manage and sell such land and interests therein; to make provisions respecting the establishment and revision of rates, fees and charges for services rendered by the Authority; to provide for the issuance by the Authority for any of its corporate purposes of interest-bearing revenue

bonds and notes payable solely out of the revenues of the Authority or out of the revenues of any particular facilities and other property of the Authority, without regard to the specific facilities and other property with respect to which such bonds and notes may have been issued; to provide that such bonds and notes shall constitute negotiable instruments; to provide that such bonds and notes may be secured by a pledge of the revenues from which they are payable, by contracts binding the Authority for the proper application of its revenues and the proceeds of such bonds and notes and by a nonforeclosable mortgage or deed of trust or statutory mortgage lien on the facilities and other property out of the revenues from which such bonds and notes are payable, and to provide that bonds and notes of the Authority may be issued under a trust indenture; to provide for constructive notice of any such statutory mortgage lien; to authorize and make provisions respecting the assumption by the Authority of obligations respecting facilities and other property acquired by the Authority; to provide for the use of the proceeds of bonds and notes issued by the Authority; to provide for the refunding, by the issuance of bonds and notes of the Authority, of bonds and notes therefore issued or obligations theretofore assumed by it; to provide that bonds and notes issued and contracts entered into by the Authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality or other political subdivision of the state; to authorize Marion and Lamar Counties and the municipalities located therein to contribute money to the Authority, without the necessity of an election and with or without consideration therefor; to exempt from all taxation in this state, the Authority, its property, corporate activities, income, revenues, bonds and notes, the income from its bonds and notes, and conveyances, leases and mortgages and deeds of trust to which the Authority is a party, and to exempt the Authority from payment of certain charges to Judges of Probate; to provide that the Authority shall be exempted from regulation and supervision by the Public Service Commission and the State Department of Finance; to provide for the use of public roads in the state by the Authority; and to provide for certain annual reports by the Authority.

By Messrs. Carter and Moore (W) (with notice and proof):

H. 212. To authorize the Limestone County Commission to appropriate funds from the Highway Traffic Funds of said county or other funds in the County Treasury for law enforcement purposes in said county, including the payment of the salaries of any deputies that might be employed by the Sheriff of said county.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Weeks and McNees: (With Substitute):

H. 292. Proposing an amendment to the Constitution of Alabama relative to the Buttahatchee River Watershed Area.

The above Bill was read a second time at length as required by the Constitution.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on

the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Warren (with notice and proof):

H. 393. To permit any bank, having its principal place of business in Repton, Alabama to establish, maintain, and operate, within the limits or boundaries of Conecuh County, a branch or additional office or place of business, subject to the approval of the state superintendent of banks.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. McCluskey (with notice and proof) (With amendment):

H. 398. Relating to Coosa County; authorizing the levy of a tax on the sale and distribution of malt or brewed beverages; providing for the collection of such tax; and allowing the confiscation of such beverages on which such tax has not been paid.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Goodwin and Coburn (with notice and proof):

H. 507. To amend Section 4 of Act No. 246, H. 871, 1976 Regular Session (Acts of 1976, p. 281), relating to purging the lists of registered voters in Colbert County and prescribing the procedure for the reidentification of registered voters; so as to increase the compensation paid members of the board of registrars and to make this act retroactive.

By Mr. Hines (with notice and proof):

H. 513. Relating to Escambia County, Alabama allowing the municipal governing bodies of the City of Brewton located in such County to determine the closing hours for places selling alcoholic beverages within its city limits and police jurisdiction.

## RESOLUTIONS

Mr. Perloff offered the following Senate Joint Resolution, to-wit:

S. J. R. 247. CREATING A JOINT INTERIM COMMITTEE TO STUDY THE FEASIBILITY OF ADOPTING A REVISED PROBATE CODE FOR THE STATE OF ALABAMA.

WHEREAS, there is great and pressing need for a comprehensive study of the need of devising and adopting a revised probate code for the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim committee to study the need for adopting a revised probate code for the State of Alabama. Such committee shall be composed of six members from the House and six members from the Senate to be

appointed by the presiding officer of their respective houses. The committee shall adopt its own rules of procedure for the conduct and transaction of its business and shall elect its own chairman and vice chairman.

Upon the request of the chairman, or the vice chairman, the Secretary of the Senate or the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work.

The committee shall report its findings, conclusions and recommendations to the legislature not later than the tenth legislative day of the 1978 Regular Session, whereupon the committee shall be dissolved. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, on warrants drawn on the state comptroller upon requisition signed by the committee's chairman. Provided, however, that the expenditures for any purposes of this committee shall not exceed eight thousand dollars.

Which was read and referred to the Standing Committee on Rules.

Messrs. Stewart and Fine offered the following Senate Joint Resolution, to-wit:

**S. J. R. 248. CREATING A JOINT SELECT PILOT STUDY COMMITTEE TO RESEARCH AND REPORT TO THE LEGISLATURE ON TREATMENT AND FACILITIES AVAILABLE TO DEVELOPMENTALLY DISABLED PERSONS IN ALABAMA.**

WHEREAS, Many developmentally disabled persons in this state have long been subject to shameful abuse and denial of their individual rights because of the inadequacy of treatment and facilities available to them; and

WHEREAS, The Alabama legislature accepts a responsibility for developmentally disabled persons and an obligation to assure a continuum of care for each individual regardless of age, and at each stage of life's development; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That there is hereby created a joint select pilot study committee to research and report to the legislature on treatment and facilities available to developmentally disabled persons in Alabama. Such committee shall be composed of three members of the House and three members of the Senate to be appointed by the presiding officer of each respective house; six resident citizens of this state, three of which shall be appointed by the presiding officer of each respective house; and the State Superintendent of Education, the State Health Officer and the State Commissioner of Mental Health or their designated representatives. The chairman and vice chairman of the committee shall be elected by the members of the committee at the first meeting which shall be held no later than August 15, 1977; thereafter, the committee shall meet at least once per month on call of the chairman. The committee shall study all facets of programs now available to developmentally disabled persons in this state with particular emphasis on the quality, effectiveness and cost of such programs. The committee shall have subpoena powers and the power to punish for contempt.

Upon the request of the Chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the legislature not later than the fifth legislative day of the 1978 Regular Session, where upon the committee shall be dissolved. Each legislative member of the committee shall be entitled to his regular legislative compensation, including per diem and travel expenses for each day he attends a meeting of the committee; consumer citizen members shall be entitled to the same travel expenses and per diem as legislative members are entitled to on meeting days; and the state department head members or their designated representatives shall be entitled to the same expenses and per diem which state employees are allowed by law on meeting days with all expenses incurred by said committee to be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman; provided, however, that legislative members shall not receive additional legislative compensation or per diem when the legislature is in session and that the sum total of all such expenses shall not exceed \$10,000. The committee shall be limited to no more than fifteen meeting days.

Which was read and referred to the Standing Committee on Rules.

Messrs. Pearson and Clemon offered the following Senate Resolution, to-wit:

S. R. 249. Commending Mrs. Gregory Durr White for her many years of outstanding service to the Birmingham community in the cultivation of music appreciation.

WHEREAS, Mrs. Gregory Durr White has served as choral director and organist of the Sixth Avenue Baptist Church for more than twenty years; and,

WHEREAS, During her full and rewarding music career she has served as Choral Director of the choirs at Miles College, Ullman High School and Ramsay High; and,

WHEREAS, Her unique talent has been an integral part of the religious, social and civic life of our community in services of worship, weddings, funerals, fraternity and sorority programs, and receptions of all kind; and,

WHEREAS, Mrs. White has been a great source of inspiration and has exhibited throughout her life those admirable attributes of friendliness, devotion to duty, concern for all mankind; and,

WHEREAS, this assembly would like to pay tribute to this great but humble lady who has made and will continue to make a significant and lasting contribution to the State of Alabama;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF the State of Alabama, That we do commend Mrs. Gregory Durr White for her many years' service to the people of the greater Birmingham area through her contributions to the cultural life of the community.

On motion of Mr. Pearson, the Rules were suspended and the Resolution was adopted by the Senate.



Mr. Peden offered the following Senate Resolution, to-wit:

**S. R. 250. URGING THAT A COMPLETE REPORT BE MADE TO THE SENATE ON A 40-YEAR LEASE AGREEMENT BY AND BETWEEN ALABAMA STATE DOCKS DEPARTMENT AND THE JAFFE CORPORATION, INC. ON THE FLORENCE STATE DOCK.**

WHEREAS, On October 1, 1975, an agreement was made and entered into by and between the State of Alabama, acting by and through its agency, the Alabama State Docks Department, to lease to the Jaffe Corporation, Inc., certain premises in or near Florence, Alabama, known as the Florence State Dock; and

WHEREAS, according to said agreement, the initial term of this lease was for a period of ten years expiring in the calendar year 1985 with the lessee having the absolute right, privilege and option to extend for three consecutive ten year renewal terms on the same terms and conditions of the initial ten-year agreement; and

WHEREAS, should the lessee elect to renew according to the terms of this agreement, this lease would not expire until the year 2015 A.D., a period of time so uncommonly long as to make, on this point alone, the matter of the entire agreement, distressingly suspect in the minds of the citizens in the Florence area and, indeed, in the minds of many throughout the entire state; and

WHEREAS, since in these inflationary times it is almost impossible to make predictions concerning the economy even on an annual basis, it is therefore, not only conceivable but probable, that during the later terms of this lease, the basic sum of payment made to the State would be so low as to be ludicrous; now therefore,

**BE IT RESOLVED BY THE SENATE OF ALABAMA,** That this body would greatly appreciate, and does respectfully request, a full, complete and written report, or any oral explanations and statements, by Mr. R. E. Wheelis, Director, who signed this agreement on behalf of the Alabama State Docks Department, and by Governor George C. Wallace who approved this transaction, that would present any possible justification for the unusually long period of time, and for other suspect terms of this agreement, that could be in any way, for the betterment of the Florence State Dock rather than having the adverse effect of strangulating the growth and development of this area of our state.

**BE IT FURTHER RESOLVED,** That these reports and statements of explanation and justification be presented to this body as expeditiously as possible.

Which was read and referred to the Standing Committee on Rules.

Messrs. Mitchell, Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Miller, Mims, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop and Wilson offered the following Senate Joint Resolution, to-wit:

**S. J. R. 251. COMMENDING JOHN A. GARRETT FOR DISTINGUISHED AND SUPERIOR SERVICE.**

WHEREAS, John A. Garrett, State Director of the Alabama Farmers Home Administration is a native Alabamian, born in Bay Minette, who was reared on a farm and educated at Baldwin County High School and Auburn University where he received his B. S. degree; and

WHEREAS, for the past 33 years, he has lived on and operated a 577 acre livestock farm at Snowdoun, Alabama, during which time he worked also with Farm Bureau and the Montgomery Production Credit Association, then operated a building construction business prior to assuming his present position; and

WHEREAS, since becoming State Director for Alabama's FHA in 1969, Mr. Garrett has served with distinction, receiving more than a dozen awards and honors from numerous organizations and notables such as Future Farmers of America, the Alabama Society for Crippled Children and Adults, the Enterprise Home Builders Association, Kingsberry Homes, the Central Alabama Regional Planning Commission, Clarke County Citizens, FHA and Secretary Earl Butz; and

WHEREAS, his deep involvement extends further to the religious, civic and charitable areas of his community, serving as Sunday School teacher at his church in Snowdoun, Chairman of the Central Alabama Goodwill Industries, a Rotarian for 24 years, past vice-president of the Montgomery Area United Appeal, and others so numerous as to warrant the Honor Award from ACTION, one of only six such awards out of more than 800 federally employed candidates in the U. S., given in recognition of extraordinary voluntary community service; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we recognize, praise and honor John A. Garrett for invaluable service as State Director of the Alabama FHA, and as a responsible leader of his community, state and nation.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Mr. Garrett and his wife, Katherine Stowers Garrett, and to their daughters, Mary John Cole and Kitty Walter Dawson, that they may know of our esteem.

On motion of Mr. Mitchell, the Rules were suspended and the Resolution was adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Gafford:

H. J. R. 90. WHEREAS, the Interim Committee to Study the Tax Structure of the State of Alabama and the Distribution of Tax Revenues was created by Act No. 1178 of the 1975 Regular Session of the Legislature, and

WHEREAS, the committee was directed to make its report on or before the 10th Legislative Day of the 1976 Regular Session of the Legislature, and

WHEREAS, a report was made during that period of time but was not reduced to writing, and

WHEREAS, the committee desires to make a further report in writing.

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Committee to Study the Tax Structure of the State of Alabama and the Distribution of Tax Revenues is hereby ordered to deliver its report to the printers for distribution to the membership of the House and Senate no later than the 10th Legislative Day of the 1977 Regular Session.

BE IT FURTHER RESOLVED That the Clerk of the House and/or the Secretary of the Senate pay for the printing with funds heretofore appropriated for the Legislature.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Noonan, the Rules were suspended and the Resolution, H. J. R. 90, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

#### BILLS ON THIRD READING

The Bill:

S. 161. To regulate the expense allowances in the Twenty-Fifth Judicial Circuit for circuit judges and the district attorney; and to make the provisions of this Act retroactive to January 16, 1977.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Fine, Goodwin, Jones, King, Little, Littleton, McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Peden, Perloff, Perry, Powell, St. John, Teague, Vacca, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

S. 399. To provide a form of municipal government to be known as the mayor-council form of government, which may be adopted by any city in the State of Alabama having a population of not less than 60,000 nor more than 125,000 according to the last or any succeeding federal or municipal census; to provide the method by which any such city may adopt the mayor-council form of government; to provide for the calling and holding of elections to vote thereon; to define and provide the legal status, form of government and powers of any such city under the mayor-council form of government; to provide as the governing body of such city a city

council; to provide for the number of members of the council, their election and terms of office; to provide the functions, duties, powers and authority of the city council; to provide for the election, appointment or designation of officers and employees of the city and for their qualifications, duties, functions, powers and authority; to provide for the election, term, qualifications and compensation of a mayor and for the filling of vacancies in the office of mayor and to provide the duties and authority of the mayor; to provide for the control of the finances of such city; to provide for an annual budget, its preparation, submission, and adoption and the effect thereof; to create and define the powers, functions, duties and authority of the department of finance and the director of the department of finance; to regulate purchases and contracts of such city; to provide for the terms and effects of succession in government of any city adopting the mayor-council form of government; to make various other provisions for any such city which adopts the mayor-council form of government and for the government thereof; and to provide for the means of abandoning the mayor-council form of government and the adoption by the city of other forms of municipal government in lieu thereof.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Abstaining 1.

*Yeas:*

Messrs. Adams, Bank, Edwards, Ellis, Fine, Gilmore, Goodwin, King, Little, Littleton, McDonald (A), McDonald (S), Miller, Mims, Mitchell, Noonan, Pearson, Perloff, Perry, Powell, Shelby, Teague, Vacca, Waldrop, Wilson.

— 25

*Nays:*

— 0

*Abstaining:* Mr. Stewart.

— 1

The Bill:

H. 252. To amend Section 1 of Act No. 441, H. 916, 1976 Regular Session (Acts 1976, p. 542) entitled "An Act Relating to counties having populations of not less than 34,000 nor more than 34,800 according to the most recent federal decennial census; to provide an additional expense allowance for members of the governing body of any such county payable out of county funds," so as to change the amount of the additional expense allowance and to make the provisions of the Act retroactive.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Gilmore, Goodwin, Jones, King, Little, Littleton, McDonald (A), McDonald (S), Miller, Mitchell, Pearson, Peden, Perry, St. John, Shelby, Teague, Vacca, Waldrop, Wilson.

— 25

— 0

*Nays:*

The Bill:

H. 51. To amend Section 1 of Act No. 165, H. 130, 1971 Special Session (Acts of 1971, p. 4413), entitled, "An Act Relating to counties having a population of not less than 10,900 nor more than 11,500 according to the most recent federal decennial census; to provide for the payment of a clerk hire allowance in the Probate Judge's office of such counties," so as to increase the amount of such allowance; to provide that such allowance shall be paid from any available county funds and to provide that the provisions of this act shall be retroactive to January 17, 1977.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Gilmore, Jones, King, Little, Littleton, McMillan, Miller, Mims, Mitchell, Noonan, Pearson, Peden, Perloff, Perry, Powell, St. John, Stewart, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 52. To provide an expense allowance for the coroner and to authorize the coroner to appoint a deputy coroner in all counties having a population of not less than 10,900 nor more than 11,500 inhabitants according to the 1970 or any subsequent federal decennial census.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Ellis, Fine, Gilmore, Goodwin, Jones, King, Little, McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Pearson, Peden, Perloff, Perry, Powell, St. John, Stewart, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 135. Relating to Clay County; to change the method of compensating the judge of probate, the tax assessor, the tax collector, the clerk of the circuit court and the register of the circuit court; and to fix the compensation for each of such officers, subject to the ratification of a constitutional amendment.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Goodwin, Jones, King,

Littleton, McMillan, Miller, Mims, Mitchell, Noonan, Pearson, Peden, Perloff, Perry, Powell, St. John, Stewart, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 372. Relating to counties having a population of not less than 95,000 nor more than 115,000 inhabitants according to the 1970 or any subsequent federal decennial census; further amending Section 1 of Act No. 460, H. 516 of the 1967 Regular Session (Acts 1967, p. 1151), as amended, which act regulates the operation of food stores subject to the Sunday closing statutes and provides certain exemptions thereto, so as to prohibit the operation of such stores with more than five employees.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Bank, Edwards, Ellis, Fine, Gilmore, Goodwin, Jones, King, Littleton, McMillan, Miller, Mims, Mitchell, Noonan, Pearson, Peden, Perloff, Perry, Powell, St. John, Stewart, Teague, Vacca, Wilson.

—25

*Nays:*

—0

The Bill:

S. 94. Relating to counties having a population of not less than 150,000 nor more than 180,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide that certain homebaked or homemade goods shall not be subject to the regulations of any state or county health department.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Gilmore, Jones, Little, Littleton, McDonald (S), McMillan, Miller, Mims, Mitchell, Pearson, Peden, Perloff, Powell, St. John, Shelby, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

S. 244. To authorize the county governing body of counties having a population of not less than 17,000 nor more than 20,000 inhabitants according to the 1970 or any subsequent federal decennial census to establish the position of deputy coroner and to set and pay from the county general fund the salary and any reasonable expense allowance for such office; and to prescribe the duties of such office.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Fine, Gilmore, Goodwin, Jones, Little, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Pearson, Perloff, Perry, Powell, St. John, Shelby, Teague, Vacca, Wilson.

—25

*Nays:*

—0

The Bill:

S. 406. Relating to Crenshaw county; to provide that the sheriff shall be entitled to the allowance payable by the state for feeding prisoners; to provide that the provisions of this act shall be retroactive.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Gilmore, Goodwin, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Miller, Mitchell, Pearson, Perloff, Powell, St. John, Shelby, Teague, Vacca, Wilson.

—25

*Nays:*

—0

The Bill:

S. 408. Relating to Crenshaw County; to provide for the employment of clerks, secretaries, and clerical assistants to perform duties in the Office of the Judge of Probate and in the Office of the Sheriff of Crenshaw County; to provide for the salaries of all such employees; and to authorize the Crenshaw County Commission or other like governing body to pay salaries or any portion thereof of existing and future clerks, secretaries and clerical assistants employed by the Judge of Probate and the Sheriff and who are performing duties in such respective offices.

was taken up.

Mr. Mitchell offered the following amendment to the Bill, S. B. 408, to-wit:

#### AMENDMENT TO S. B. 408

Amend S. B. 408 as follows:

On page one, line 21, after the word "offices", strike the period and insert in lieu thereof a semi-colon and add the following:

and making the provisions of this act retroactive to October 1, 1973.

On page 2, line 18, after the word "effective", add the following:  
retroactively to October 1, 1973.

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Goodwin, Jones, King, Little, McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Pearson, Peden, Perloff, Powell, Shelby, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

And said Bill, S. B. 408, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Gilmore, Jones, King, Little, Littleton, McMillan, Miller, Mims, Mitchell, Noonan, Pearson, Perloff, Perry, Powell, St. John, Shelby, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

S. 407. Relating to Crenshaw County; further implementing Section 9 of Act No. 160, H. 59 of the 1971 Second Special Session (Acts 1971, p. 4404), relating to statewide property reappraisal; authorizing the Crenshaw County Commission to employ appraisers, mappers, and clerical personnel to maintain current evaluation of all real property and the evaluation of personal property.

was taken up.

Mr. Mitchell offered the following amendment to the Bill, S. B. 407, to-wit:

#### AMENDMENT TO S. B. 407

Amend S. B. 407 as follows:

On page 1, in Section 2, line 28, after the word "The" strike the words "revenue commissioner" and insert in lieu thereof the following:

tax assessor

In Section 3, line 36, after the word "The", strike the words "revenue commissioner" and insert in lieu thereof the words:

tax collector

On page 1, line 15, strike the word "Houston" and insert in lieu thereof the word:



Crenshaw

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Ellis, Fine, Gilmore, Goodwin, Jones, King, Little, McDonald (A), McDonald (S), Miller, Mims, Mitchell, Noonan, Pearson, Peden, Perloff, Perry, Powell, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

And said Bill, S. B. 407, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Edwards, Fine, Gilmore, Goodwin, Jones, King, Little, Littleton, McMillan, Miller, Mims, Mitchell, Noonan, Pearson, Peden, Perloff, Perry, Powell, St. John, Shelby, Teague, Vacca, Wilson.

—25

*Nays:*

—0

## RESOLUTION

Mr. St. John offered the following Senate Joint Resolution, to-wit:

S. J. R. 252. CALLING FOR ANNUAL JOINT MEETINGS OF THE HOUSE AND SENATE JUDICIARY COMMITTEES TO SCREEN REPORTS FROM THE PRIVACY AND SECURITY COMMITTEE OF THE ALABAMA CRIMINAL JUSTICE INFORMATION CENTER COMMISSION.

WHEREAS the "Watergate" investigations and the more recent congressional committee hearings on the activities of the FBI and CIA have revealed a certain amount of bureaucratic disregard for an individual's constitutionally guaranteed right to privacy; now therefore

BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING, That at some time during each regular session of the legislature, the Chairman of the Senate Judiciary Committee shall call a joint meeting of the judiciary committees of the Senate and the House of Representatives for the purpose of hearing reports presented by the full membership of the privacy and security committee of the Alabama Criminal Justice Information Center Commission, created pursuant to Section 5 of Act No. 872, S. 711, 1975 Regular Session of the Legislature, in order to ascertain that the privacy and security of the citizens of this state are being adequately safeguarded.

On motion of Mr. St. John, the Rules were suspended and the Resolution was adopted by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Manley:

H. J. R. 88. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That when the two houses adjourn on Thursday, February 24, they will adjourn to meet again on Tuesday, March 1, and when they adjourn on Tuesday, March 1, they will adjourn to meet again on Thursday, March 3, and when they adjourn on Thursday, March 3, they will adjourn to meet again on Tuesday, March 8, and when they meet on Tuesday, March 8, they will adjourn to meet again on Thursday, March 10, and when they adjourn on Thursday, March 10, they will adjourn to meet again on Tuesday, March 22.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolution, H. J. R. 88, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

## RESOLUTION

Mr. Teague offered the following Senate Joint Resolution, to-wit:

S. J. R. 253. CREATING A SELECT JOINT INTERIM COMMITTEE TO REVIEW THE CURRENT FOREST WILDFIRE EMERGENCY SITUATION.

WHEREAS, the protection of the forest, fields, and rural homes and improvements of Alabama from wildfire is basic to the environmental and economic well-being of every Alabama citizen; and

WHEREAS, the current wildfire situation is presenting problems in excess of the state's ability to adequately handle the situation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim committee to be composed of three members of the House and three members of the Senate to be appointed by the presiding officer of each house. The members of the committee shall elect from among their membership a chairman and vice chairman. The committee shall review the current forest wildfire emergency situation and further, make an in-depth study of the state's wildfire prevention, detection and suppression systems and capabilities, with recommendations designed to insure that response to future like emergencies will be maximized consistent with values at risk and the state's ability.

The committee shall have subpoena power and the power to punish for contempt of a committee of the Legislature.

Upon the request of the chairman, the secretary of the senate and the clerk of the House shall provide such clerical assistance as may be necessary for the committee's work.

The committee shall report its findings, conclusions and recommendations on the current forest wildfire emergency situation to the legislature not later than the tenth legislative day of the 1977 Regular Session, and report its findings, conclusions and recommendations of its in-depth study not later than the 19th legislative day of the 1977 Regular Session whereupon the committee shall be dissolved. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, on warrants drawn on the state comptroller upon requisition signed by the committee's chairman.

Which was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Messrs. Martin, Roberts and Drake:

H. J. R. 75. HONORING AND CONGRATULATING COACH JOE JONES OF DECATUR, ALABAMA.

Also:

By Mr. Martin:

H. J. R. 76. HONORING RUTLEDGE S. THOMAS FOR NOTABLE SERVICE DURING HIS TWENTY-TWO YEARS AS CITY COUNCILMAN FOR THE CITY OF DECATUR.

Also:

By Mr. Martin:

H. J. R. 77. HONORING MISS FLORENCE E. ADAMS FOR MERITORIOUS SERVICE TO THE CITY OF DECATUR.

Also:

By Messrs. Martin, Roberts, Cross and Drake:

H. J. R. 78. HONORING LEON NELSON FOR OUTSTANDING SERVICE TO MORGAN COUNTY.

Also:

By Messrs. Roberts, Martin, Cross and Drake:

H. J. R. 79. HONORING RUPERT W. ABERCROMBIE FOR TWELVE YEARS OF INVALUABLE SERVICE IN THE OFFICE OF COUNTY COMMISSIONER, MORGAN COUNTY.

Also:

By Messrs. McCulley and Sonnier:

H. J. R. 80. CONGRATULATING AND COMMENDING MCINTOSH ACADEMY FOR REACHING THE FINALS OF THE STATE CHAMPIONSHIP FOR PRIVATE SCHOOLS.

Also:

By Mr. McCulley:

H. J. R. 81. COMMENDING MCINTOSH UNION HIGH SCHOOL FOR THEIR COMPETITION IN THE STATE CLASS 2A PLAY OFFS.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Edwards, the Rules were suspended and the Resolutions, H. J. R.'s 75, 76, 77, 78, and 79, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

On motion of Mr. Noonan, the Rules were suspended and the Resolutions, H. J. R.'s 80 and 81, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Mr. Plaster:

H. J. R. 94. COMMENDING MILTON A. WENDLAND UPON BEING NAMED THE NATIONAL "COTTON FARMER OF THE YEAR."

Also:

By Mr. Plaster:

H. J. R. 95. HONORING J. B. NEIGHBORS UPON HIS RETIREMENT.

Also:

By Mr. Plaster:

H. J. R. 96. MOURNING THE DEATH OF AUBREY S. BOONE.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Mitchell, the Rules were suspended and the Resolutions, H. J. R.'s 94, 95 and 96, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. McMillan:

H. J. R. 93. CREATING A SELECT JOINT INTERIM COMMITTEE TO REVIEW THE CURRENT FOREST WILDFIRE EMERGENCY SITUATION.

WHEREAS, the protection of the forest, fields, and rural homes and improvements of Alabama from wildfire is basic to the environmental and economic well-being of every Alabama citizen; and

WHEREAS, the current wildfire situation is presenting problems in excess of the state's ability to adequately handle the situation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim committee to be composed of three members of the House and three members of the Senate to be appointed by the presiding officer of each house. The members of the committee shall elect from among their membership a chairman and vice chairman. The committee shall review the current forest wildfire emergency situation and further, make an in-depth study of the state's wildfire prevention, detection and suppression systems and capabilities, with recommendations designed to insure that response to future like emergencies will be maximized consistent with values at risk and the state's ability.

The committee shall have subpoena power and the power to punish for contempt of a committee of the Legislature.

Upon the request of the chairman, the secretary of the senate and the clerk of the House shall provide such clerical assistance as may be necessary for the committee's work.

The committee shall report its findings, conclusions and recommendations on the current forest wildfire emergency situation to the legislature not later than the tenth legislative day of the 1977 Regular Session, and report its findings, conclusions and recommendations of its in-depth study not later than the 19th legislative day of the 1977 Regular Session whereupon the committee shall be dissolved. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, on warrants drawn on the state comptroller upon requisition signed by the committee's chairman.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The Resolution, H. J. R. 93, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

## REPORT FROM RULES

Mr. Littleton, Acting Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

**H. J. R. 83. CONDEMNING TELEVISION REPORTER STEVE PETROU OF WBRC-TV FOR CARELESS, RECKLESS AND IRRESPONSIBLE REPORTING CONCERNING REPRESENTATIVE JACK BIDDLE.**

On motion of Mr. Baker, further consideration of the Resolution, H. J. R. 83, was postponed until the next Legislative Day.

Mr. Littleton, Acting Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

**S. J. R. 247. CREATING A JOINT INTERIM COMMITTEE TO STUDY THE FEASIBILITY OF ADOPTING A REVISED PROBATE CODE FOR THE STATE OF ALABAMA.**

On motion of Mr. Baker, the Resolution, S. J. R. 247, was re-referred to the Standing Committee on Finance and Taxation, under the provisions of Senate Rule 76 B.

Mr. Littleton, Acting Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

**S. J. R. 248. CREATING A JOINT SELECT PILOT STUDY COMMITTEE TO RESEARCH AND REPORT TO THE LEGISLATURE ON TREATMENT AND FACILITIES AVAILABLE TO DEVELOPMENTALLY DISABLED PERSONS IN ALABAMA.**

On motion of Mr. Baker, the Resolution, S. J. R. 248, was re-referred to the Standing Committee on Finance and Taxation, under the provisions of Senate Rule 76 B.

Mr. Littleton, Acting Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Resolution and ordered same returned to the Senate with a favorable report, to-wit:

**S. R. 250. URGING THAT A COMPLETE REPORT BE MADE TO THE SENATE ON A 40-YEAR LEASE AGREEMENT BY AND BETWEEN THE ALABAMA STATE DOCKS DEPARTMENT AND THE JAFFE CORPORATION, INC. ON THE FLORENCE STATE DOCK.**

Mr. Perry moved that further consideration of the Resolution, S. R. 250, be postponed until the next Legislative Day.

On motion of Mr. Peden, the motion to postpone was laid on the table.

Yeas 10; Nays 9.

*Yeas:*

Messrs. Baker, Fine, Gilmore, McDonald (A), Mims, Pearson, Peden, Shelby, Teague, Wilson.

—10

*Nays:*

Messrs. Adams, Ellis, Goodwin, Jones, Little, Miller, Noonan, Perry, Powell.

—9

### RESOLUTION

Messrs. Pearson and Goodwin offered the following Senate Joint Resolution, to-wit:

S. J. R. 254. COMMENDING WILLIE MAYS FOR HIS OUTSTANDING BASEBALL CAREER.

WHEREAS, Willie Mays was born in Westfield, Alabama, and educated in Fairfield, Alabama; and

WHEREAS, Willie Mays began his professional career with the Birmingham Black Barons and later with the New York Giants, ending his professional career with the New York Mets; and

WHEREAS, Willie Mays was a consistent league leader in home runs, exhibited great athletic skill and fan popularity; and

WHEREAS, Willie Mays is being inducted into the Alabama Sports Hall of Fame February 25, 1977; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend Willie Mays for his outstanding baseball career and his being inducted into the Alabama Sports Hall of Fame.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Willie Mays.

On motion of Mr. Goodwin, the Rules were suspended and the Resolution was adopted by the Senate.

### ADJOURNMENT

At 4:50 P.M., on motion of Mr. Vacca, in accordance with Joint Resolution heretofore adopted, and pending further consideration of S. R. 250 and S. B. 62, the Senate adjourned until Thursday, February 24, 1977, at 9 o'clock A.M.

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EIGHTH LEGISLATIVE DAY  
THURSDAY, FEBRUARY 24, 1977

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

PRAYER

The Session was opened with prayer by Mr. M. B. McCartney, past president of Alabama Roadbuilders association, Gadsden, Alabama.

ROLL CALL

Present:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

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JOURNAL

On motion of Mr. Teague, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Seventh Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

OBIE J. LITTLETON,  
Acting Chairman.

COMMITTEE REPORT

On motion of Mr. Littleton, the foregoing report was concurred in and the Journal of the Senate for the Seventh Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. Teague, leave of absence was granted Mr. Owen for today.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:



By Mr. Waldrop:

S. 567. To provide that any local city or county board of education be allowed to shorten the minimum number of school days for the 1976-1977 school year only up to a maximum of ten days because schools were closed due to ice, snow, inclement weather or gas shortage. To provide that no school shall lose any funds and no teachers or employees shall lose any pay because of availing itself of the provisions of this Act.

Committee on Education.

By Mr. Fine:

S. 568. Relating to the thirty-fourth judicial circuit, authorizing the clerk of the circuit court to appoint a full-time clerk, and providing that the said clerk's salary shall be payable from the county composing the circuit.

Committee on Local Legislation No. 1.

By Mr. Mims:

S. 569. To amend Code of Alabama 1940, Title 55, Section 317 so as to lift the prohibitions on state employee participation in political activities and to repeal all conflicting statutes.

Committee on State Government.

By Mr. Shelby:

S. 570. To amend Act No. 1205, S. 400, Section 4-106 (g) (2) (A), Regular Session 1975 (Acts of Alabama 1975, p. 2397); now appearing in Title 13A, Section 4-106 (g) (2) (A), Code of Alabama (1940) (Recompiled 1958); now also appearing in Title 12, Section 12-17-251 (c) (1), Code of Alabama (1940) (Recompiled 1977) to regulate further the issuance of arrest warrants and search warrants and authorizing the issuance of arrest warrants and search warrants by District Court Magistrates who are other than licensed practicing attorneys in circuits composed of one county and having not less than five nor more than seven circuit judges.

Committee on Judiciary.

By Mr. Baker:

S. 571. To provide further for the compensation of the district attorneys of the several judicial circuits of the state.

Committee on Finance and Taxation.

By Mr. Vacca (with notice and proof):

S. 572. To further amend Section 2 of Act No. 217 of the 1966 Special Session of the Legislature of Alabama, approved August 30, 1966 (Acts of Alabama, 1966 Special Session, page 280, et seq.) entitled "An Act to provide a separate retirement and relief system for certain of the presently active employees of the City of Birmingham who entered the service of the fire department of said city prior to September 19, 1939, and to whom is applicable the pension and relief system provided by Act No. 307 of the 1943 Regular Session of the Legislature of Alabama, as amended, and Act Number 22 of the Second Special Session of the Legislature of Alabama of 1956, to include in said separate system

dependents of said presently active employees; and to render said Act No. 307 and Act Number 22 inapplicable to said certain presently active employees and their dependents".

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 572, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Vacca:

S. 573. TO AMEND Section 8 of Act No. 516 enacted at the 1955 Regular Session of the Legislature of the State of Alabama, as amended, relative to Medical Clinic Boards (codified as Section 11-58-10 of the Code of Alabama 1975), to provide that the principal amount of any refunding bonds that may be issued, shall not exceed the principal of the bonds to be refunded, any expenses estimated to be incurred in connection with such refunding and interest (accrued or to accrue) to the respective maturity dates of the bonds to be refunded or, if the bonds to be refunded are to be called for redemption, either on the earliest date on which under their terms they may be redeemed or some later date or dates, the interest (accrued or to accrue) on the bonds to be refunded to the date or dates on which they are to be called for redemption, plus the amount of any redemption premium required by their terms to be paid as a condition to their redemption prior to their respective maturities.

Committee on Commerce, Transportation,  
and Utilities.

By Mr. Shelby:

S. 574. To amend Act No. 685, S. 678, 1973 Regular Session (Acts 1973, p. 1030), which act authorizes county and municipal governing bodies in certain counties based on a population basis to adopt ordinances to protect the historic architectural character of the county, and establishing certain authorities to preserve and regulate areas designated as historic areas, so as to divest the authority of certain powers relative to the refusal to issue permits of construction or demolition of structures within such historic districts.

Committee on Local Legislation No. 1.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Killian:

H. 94. To amend Section 68, Title 36, Code of Alabama 1940, which relates to the cancellation, suspension and revocation of a driver's license or driving privilege, so as to regulate further conditions prerequisite to the mandatory revocation of a driver's license or driving privilege upon

conviction for driving while intoxicated or while an habitual user of narcotic drugs.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 94. To the Committee on Commerce, Transportation, and Utilities.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Smith (M), Higginbotham, Morris and Turnham (with notice and proof):

H. 602. Relating to Chambers County: to provide the Chambers County Commission with authority to employ appraisers, mappers, clerical personnel and other personnel to maintain current evaluation of all real property and valuation of personal property.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 602, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Mr. Owens (with notice and proof):

H. 632. Relating to Tuscaloosa County; levying an excise and privilege tax on the severance of coal in said county; providing for the collection, payment, and administration of such tax; and providing for the use of the proceeds of the tax.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 632, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Messrs. Kinsey and McMillan:

H. 666. Relating to all counties having a population of not less than 57,000 nor more than 61,000 inhabitants according to the 1970 or any subsequent federal decennial census; providing for an additional expense allowance for the probate judge, tax assessor, tax collector, county commissioners and sheriff.

Also:

By Messrs. Kinsey and McMillan:

H. 668. Relating to any county having a population of not less than 57,000 nor more than 61,000 according to the 1970 or any subsequent federal decennial census; exempting all volunteer fire departments within any such county from the payment of all state, county and municipal sales and use taxes.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 602, 632, 666 and 668. To the Committee on Local Legislation No. 1.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Carothers and Smith (J):

H. 657. Relating to all counties having a population of not less than 56,500 nor more than 59,000 inhabitants according to 1970 or any subsequent federal decennial census; to further regulate the assessment and collection of ad valorem taxes on certain real properties in such counties which have been improved with a new residential structure constructed for re-sale or rental purposes.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 657. To the Committee on Local Legislation No. 1.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Gafford and Robertson:

H. J. R. 84. DESIGNATING THAT PORTION OF INTER-STATE 59 IN ALABAMA "THE LURLEEN BURNS WALLACE EXPRESSWAY" AND DIRECTING THE ALABAMA HIGHWAY DE-

**PARTMENT TO SEEK THE APPROVAL OF THE UNITED STATES DEPARTMENT OF TRANSPORTATION FOR THE ERECTION OF APPROPRIATE MARKERS THEREFOR.**

WHEREAS, one of this state's most respected, admired and outstanding citizens was our beloved former governor, Lurleen Burns Wallace; and

WHEREAS, Mrs. Lurleen Wallace was one of less than five women in the history of the United States to ascend to the office of governor in her own right and political experts agree she would have been re-elected overwhelmingly to the office of governor had she not been snatched so untimely from our midst by the ravages of cancer; and

WHEREAS, this gallant lady's long, courageous battle against the insidious disease of cancer motivated the citizens of this state and nation to establish research centers and otherwise to battle this dreadful malady which has cost the lives of so many; and

WHEREAS, her meteoric rise from housewife to the Governorship of Alabama truly exemplifies the cherished American principle upon which our great nation was founded, that no goal is beyond the realization of any private citizen of this land who has the courage, the will and the perseverance to achieve; and

WHEREAS, Mrs. Lurleen Wallace won not only the respect, love and admiration of all Alabamians because she was a symbol of all the finest and most desirable attributes of humanity, but she earned world recognition by being honored as the Sixth Most Admired Woman of the World; and

WHEREAS, Mrs. Lurleen Wallace demonstrated to an uncommon degree her administrative acumen and perceptive vision, particularly in her programs for mental health and highway expansion; and

WHEREAS, the Alabama Highway Department enjoyed one of its most expansive periods in Alabama history under the leadership of "Governor Lurleen"; and

WHEREAS, Mrs. Lurleen Wallace was born and reared in Tuscaloosa County, Alabama; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That this body does hereby designate Interstate 59 in Alabama, "The Lurleen Burns Wallace Expressway."

**BE IT FURTHER RESOVLED,** That the Alabama Highway Department is hereby directed to seek approval from the Federal Bureau of Roads and the United States Department of Transportation to erect and maintain appropriate signs and markers along Interstate 59 in Alabama, and further, to erect such signs and markers upon obtaining approval therefor.

**RESOLVED FURTHER,** That copies of this resolution be sent to the Highway Director, the Office of the Federal Bureau of Roads and to the United States Department of Transportation.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The Resolution, H. J. R. 84, set out in the foregoing Message from the House, was read and referred to the Standing Committee on State Government.

## REPORTS OF COMMITTEES

Mr. Mitchell, Chairman of the Standing Committee on Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Mitchell:

S. 466. To amend further Section 6 of Act No. 48, H. 34, 5th Special Session 1950 (Acts 1950-1951, Vol. 1, p. 102) which relates to social security for certain officers and employees of the State and local governments of Alabama, so as to authorize the state Agency for Social Security to make further withdrawals for administration purposes.

Mr. Roberts, Chairman of the Standing Committee on Local Government, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Roberts:

S. 126. To revise Sections 393 and 394, Title 14, Code of Alabama 1940, as amended, so as to provide for forbidding of executive or secret sessions of certain boards; and to provide more stringent penalties for violation.

Mr. Littleton, Acting Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Shelby (With Substitute):

S. 336. To provide that persons convicted three times for certain violent criminal acts shall be imprisoned for natural life without benefit of parole, probation, suspension of sentence, or credit for good behavior; and to provide that the provisions of this act shall apply exclusively where the offense is also punishable under other provisions of law.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Dial (with notice and proof):

H. 382. Relating to Clay County; to provide for the total rehabilitation of certain persons, both male and female, convicted of any type crime and sentenced to a term of confinement in the county jail of Clay County.

By Mr. Owens (with notice and proof):

H. 526. Relating to Bibb County; providing for the establishment of a consolidated and unified system of assessing and collecting taxes under one elective county official designated as "county tax assessor and collector"; prescribing the powers, duties, term of office and compensation of said official; providing for the manner of election to the new office; abolishing the offices of tax assessor and tax collector in Bibb County; repealing conflicting laws; and prescribing the effective date of this act.

By Mr. Owens (with notice and proof):

H. 527. To amend Section 1 of Act No. 67, H. 11, Second Special Session 1965 (Acts Second and Third Special Session 1965, p. 92), fixing the compensation of election officers in Bibb County.

By Mr. Owens (with notice and proof):

H. 528. To amend Section 1 of Act No. 87, H. 203, Second Special Session 1965 (Acts Second and Third Special Session 1965, p. 117), regulating the pay of the members of the county board of equalization of Bibb County.

By Mr. Owens (with notice and proof):

H. 529. To further amend Section 1 of Act No. 258, H. 607, Regular Session 1953 (Acts 1953, p. 325) as amended, which fixes the compensation of the jury commission of Bibb County so as to provide further for the compensation of such commission.

By Mr. Owens (with notice and proof):

H. 530. Relating to Bibb County; to provide for the fixing of a fee for the issuance of a pistol permit by the sheriff; and providing for the disposition and use of such fees.

By Mr. Owens (with notice and proof):

H. 532. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Centreville, in Bibb County.

#### REPORT FROM RULES

Mr. Littleton, Acting Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 21. HONORING JUDGE G. KYSER LEONARD OF TALLADEGA ON HIS RETIREMENT.

On motion of Mr. Baker, said Resolution was concurred in and adopted by the Senate.

Mr. Littleton, Acting Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 93. CREATING A SELECT JOINT INTERIM COMMITTEE TO REVIEW THE CURRENT FOREST WILDFIRE EMERGENCY SITUATION.

Under the provisions of Senate Rule 76 B, the President and Presiding Officer of the Senate re-referred said Resolution, H. J. R. 93, to the Standing Committee on Finance and Taxation.

Mr. Littleton, Acting Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

**H. J. R. 24. CREATING COMMITTEE TO STUDY THE 1976 TAX REFORM ACT.**

Under the provisions of Senate Rule 76 B, the President and Presiding Officer of the Senate re-referred said Resolution, H. J. R. 24, to the Standing Committee on Finance and Taxation.

**UNFINISHED BUSINESS**

**RESOLUTION**

The Senate proceeded to consideration of the Unfinished Business for today, the first item of which was the Resolution:

**S. R. 250. URGING THAT A COMPLETE REPORT BE MADE TO THE SENATE ON A 40-YEAR LEASE AGREEMENT BY AND BETWEEN THE ALABAMA STATE DOCKS DEPARTMENT AND THE JAFFE CORPORATION, INC. ON THE FLORENCE STATE DOCK.**

which said Resolution is set out in the Journal of the Senate for the Seventh Legislative Day.

On motion of Mr. Fine, said Resolution was then adopted by the Senate.

**RESOLUTION**

The Resolution:

**H. J. R. 83. CONDEMNING TELEVISION REPORTER STEVE PETROU OF WBRC-TV FOR CARELESS, RECKLESS AND IRRESPONSIBLE REPORTING CONCERNING REPRESENTATIVE JACK BIDDLE.**

having been postponed on the previous Legislative Day, was again taken up.

Mr. Gilmore moved that the Resolution, H. J. R. 83, be re-referred.

And the President and Presiding Officer of the Senate ordered said Resolution, H. J. R. 83, re-referred to the Standing Committee on Rules.

**REPORT FROM RULES**

Mr. Littleton, Acting Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

**APPOINTMENT OF IVAN R. SMITH, TO SERVE AS ASSISTANT ADJUTANT GENERAL, ARMY.**



On motion of Mr. Teague, the appointment of Ivan R. Smith, to serve as Assistant Adjutant General, Army, was confirmed by the Senate.

Yeas 26; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Gilmore, Goodwin, Jones, King, Little, Littleton, McMillan, Miller, Mims, Mitchell, Noonan, Pearson, Peden, Perry, Powell, Roberts, Teague, Vacca, Waldrop, Wilson.

—26

*Nays:*

—0

### UNFINISHED BUSINESS BILLS ON THIRD READING

The Senate then proceeded to consideration of the Unfinished Business for today, the second item of which was the Bill:

S. 62. To authorize and provide for the issuance of revenue bonds for the purpose of providing for the construction, reconstruction, improvement, alteration, enlargement and equipment of public office building facilities and of annexes, additions and enlargements of such buildings and for the acquisition of sites therefor; to authorize and provide for the establishment of a public corporation, to be known as the Alabama Capitol Building Authority, to issue such bonds; to provide that a part of the proceeds of such bonds shall be used by the authority established hereunder for the purpose of providing such public office building or buildings for the legislative branch of the government of the State of Alabama, that a part of such proceeds shall be used by the Alabama Building Authority for the purpose of constructing, altering and improving the public office building facilities heretofore constructed by such authority or for constructing and equipping of annexes, additions or enlargements of such building, and the remainder of the proceeds of such bonds shall be used by the Alabama Building Finance Authority for the purpose of constructing, altering and improving public office building facilities heretofore constructed by such authority or for constructing and equipping of annexes or additions to such buildings; to authorize the issuance of refunding bonds; to provide for the investment of the proceeds from the sale of such bonds; to provide that all properties procured, constructed or improved or enlarged with the proceeds of any bonds hereby authorized and the income therefrom and all bonds issued pursuant to this act and the income therefrom and all leases made and all lien notices filed relative to buildings or additions constructed, altered, improved or equipped pursuant to this act, shall be exempt from all taxation in the State of Alabama; to provide that such bonds shall constitute negotiable instruments; to provide that such bonds shall be payable solely out of revenues of the several authorities, respectively, and shall not create an obligation or debt of the state; to provide that any bonds issued pursuant to this act may be used as security for deposits and investment of public funds and fiduciary funds; to specify the application of the proceeds of the bonds issued pursuant to this act; to provide for the construction of public office building facilities, the alteration, construction of annexes or additions to, and improvement of public office building facilities and for the equipment of such facilities or additions thereto by the several authorities above listed; to authorize the conveyance to each of said

authorities of lands owned by the State; to create a reserve fund for the benefit of the bonds issued pursuant to this act; to authorize the authority established hereunder to pledge such revenues from any facilities constructed under authority of this act as may be necessary to pay the principal of and interest on its bonds; to authorize the filing for record of an instrument reciting the issuance of said bonds and the creation of said pledge as a lien on said revenues which filing will constitute constructive notice; to provide that the state treasurer shall be the custodian of the funds of the authority; to provide for the lease to and by agencies, boards, commissions, public corporations, bureaus and departments of the State of Alabama and of the United States, and private parties of space for occupancy in said facilities or additions thereto; and to authorize publication of notice of each resolution authorizing any bonds or pledge and to specify a limitation of time thereafter for actions or defenses respecting said bonds or pledge.

as amended.

The question was on the amendment offered by Mr. Edwards, which said amendment is set out in the Journal of the Senate for the Sixth Legislative Day.

Mr. Edwards then offered the following substitute amendment for his pending amendment, to-wit:

#### SUBSTITUTE AMENDMENT TO S. B. 62

Amend Senate Bill No. 62, Page 1, Line 11, by striking out \$30,000,000 and inserting in lieu thereof "\$26,000,000"; and on Page 8, Line 21 by striking out "\$30,000,000" and inserting in lieu thereof "\$26,000,000"; and on Page 8, Line 28 by striking out "\$16,000,000" and inserting in lieu thereof "\$12,000,000"; and on Page 8, Line 32 by inserting after the word "government" the following: "for offices and facilities for members of the legislature and officials connected therewith, committee conference rooms, and offices for other legislative departments. It is the intent of the legislature that the funds herein provided for a legislative building not be used to construct chambers in which the house and senate of the legislature are to meet."

#### BILL RE-REFERRED

Mr. Gilmore moved that the Bill, H. B. 202, be removed from the Standing Committee on Local Legislation No. 2 and re-referred to another Committee, which motion was adopted.

And the President and Presiding Officer of the Senate ordered said Bill, H. B. 202, re-referred to the Standing Committee on Finance and Taxation.

#### RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 255. RESOLVED by the Senate that the following bills shall be the paramount and continuing order of business upon reaching bills on third reading for the 8th Legislative day and for each day thereafter until disposed of:

## All uncontested local bills.

Bill No.	Page No.	Description
S. B. 264	15	Investment bill— Insurance Dept.
S. B. 266	15	Supervision bill— Insurance Dept.
S. B. 285	33	Rural water systems
S. B. 71	8	Civil Defense
S. B. 458	38	Public Utilities
S. B. 182	29	Constitutional convention
S. B. 54	29	Corporations
H. B. 101	26	Code Commission
S. B. 459	38	Probate Court
S. B. 462	39	Probate Court
H. B. 86	43	Regulated loans
H. B. 106	64	Security interest
H. B. 380	67	Criminal sexual conduct
S. B. 531	67	Corrects Code
S. B. 222	21	

Mr. Stewart offered the following substitute for the Resolution, to-wit:

## SUBSTITUTE FOR S. R. 255

S. R. 255. RESOLVED by the Senate that the following bills shall be the paramount and continuing order of business upon reaching bills on third reading for the 8th Legislative day and for each day thereafter until disposed of:

## All uncontested local bills.

Bill No.	Page No.	Description
S. B. 264	15	Investment bill— Insurance Dept.
S. B. 266	15	Supervision bill— Insurance Dept.
S. B. 285	33	Rural water systems
S. B. 71	8	Civil Defense
S. B. 458	38	Public Utilities
S. B. 182	29	Constitutional convention
S. B. 54	29	Corporations
H. B. 101	26	Code Commission
S. B. 459	38	Probate Court

The Bill:

H. 114. To permit any city in the State of Alabama having a population of not less than 23,000 nor more than 27,000 inhabitants according to the 1970 or any subsequent federal decennial census to adopt the council-manager form of municipal government, to provide for the calling and holding of elections to vote thereon, to provide for the election and term of the first council, to define the legal status, form of government and powers of the city, to provide for subsequent elections of members of the council, their number and their terms of office, to provide for the qualification, powers and authority of the council, the mayor and the city clerk, and for the election of the mayor and city clerk, to provide for the appointment and removal and to define the powers of the city manager, to provide for an annual budget, its preparation, submission, adoption and effect, to create and define the powers and duties of a department of finance and of the director thereof, to regulate purchases and contracts of the city, and to define their powers and authority, to set up the terms and effects of succession in government of any city adopting the council-manager form of government, to provide for the establishment and re-establishment of districts, to make various other provisions for such form of government of any such city, and to provide for the means of abandoning the council-manager form of government.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Higginbotham, King, Little, McDonald (A), Miller, Mims, Noonan, Owen, Peden, Perloff, Perry, Powell, Roberts, Stewart, Teague, Vacca, Wilson.

—25

*Nays:*

—0

The Bill:

H. 137. To authorize the county commission in all counties having a population of not less than 10,900 nor more than 11,500 inhabitants according to the 1970 or any subsequent federal decennial census to appropriate from the county general fund the necessary funds to adequately support those little league athletic programs directly affiliated with any of the public schools in such counties and to provide retroactive effect for said act.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Bank, Clemon, Ellis, Fine, Gilmore, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Powell, Roberts, St. John, Stewart, Vacca, Waldrop.

—25

*Nays:*

—0

H. B. 380	67	Criminal sexual conduct
H. B. 380	67	Corrects Code
S. B. 222	21	
S. B. 288	29	Probate Court
S. B. 237	60	
S. B. 137	54	
S. B. 191	28	
S. B. 85	14	
S. B. 392	56	
S. B. 160	9	
S. B. 144	54	

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 51. To amend Section 1 of Act No. 165, H. 130, 1971 Special Session (Acts of 1971, p. 4413), entitled, "An Act Relating to counties having a population of not less than 10,900 nor more than 11,500 according to the most recent federal decennial census; to provide for the payment of a clerk hire allowance in the Probate Judge's office of such counties," so as to increase the amount of such allowance; to provide that such allowance shall be paid from any available county funds and to provide that the provisions of this act shall be retroactive to January 17, 1977.

Also:

H. 52. To provide an expense allowance for the coroner and to authorize the coroner to appoint a deputy coroner in all counties having a population of not less than 10,900 nor more than 11,500 inhabitants according to the 1970 or any subsequent federal decennial census.

Also:

H. 135. Relating to Clay County; to change the method of compensating the judge of probate, the tax assessor, the tax collector, the clerk of the circuit court and the register of the circuit court; and to fix the compensation for each of such officers, subject to the ratification of the constitutional amendment.

Also:

H. 252. To amend Section 1 of Act No. 441, H. 916, 1976 Regular Session (Acts 1976, p. 542) entitled "An Act Relating to counties having populations of not less than 34,000 nor more than 34,800 according to the most recent federal decennial census; to provide an additional expense allowance for members of the governing body of any such county payable out of county funds," so as to change the amount of the additional expense allowance and to make the provisions of the Act retroactive.

Also:

H. 372. Relating to counties having a population of not less than 95,000 nor more than 115,000 inhabitants according to the 1970 or any subsequent federal decennial census; further amending Section 1 of Act No. 460, H. 516 of the 1967 Regular Session (Acts 1967, p. 1151), as amended, which act regulates the operation of food stores subject to the Sunday closing statutes and provides certain exemptions thereto, so as to prohibit the operation of such stores with more than five employees.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 88. Relative to Adjournment.

Also:

H. J. R. 90. Relative to the Printing and Distribution of the Report of the Interim Committee to Study the Tax Structure of the State of Alabama.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions the titles of which are set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 75. HONORING AND CONGRATULATING COACH JOE JONES OF DECATUR, ALABAMA.

Also:

H. J. R. 76. HONORING RUTLEDGE S. THOMAS FOR

NOTABLE SERVICE DURING HIS TWENTY-TWO YEARS AS CITY COUNCILMAN FOR THE CITY OF DECATUR.

Also:

H. J. R. 77. HONORING MISS FLORENCE E. ADAMS FOR MERITORIOUS SERVICE TO THE CITY OF DECATUR.

Also:

H. J. R. 78. HONORING LEON NELSON FOR OUTSTANDING SERVICE TO MORGAN COUNTY.

Also:

H. J. R. 79. HONORING RUPERT W. ABERCROMBIE FOR TWELVE YEARS OF INVALUABLE SERVICE IN THE OFFICE OF COUNTY COMMISSIONER, MORGAN COUNTY.

Also:

H. J. R. 80. CONGRATULATING AND COMMENDING MCINTOSH ACADEMY FOR REACHING THE FINALS OF THE STATE CHAMPIONSHIP FOR PRIVATE SCHOOLS.

Also:

H. J. R. 81. COMMENDING MCINTOSH UNION HIGH SCHOOL FOR THEIR COMPETITION IN THE STATE CLASS 2A PLAY OFFS.

Also:

H. J. R. 94. COMMENDING MILTON A. WENDLAND UPON BEING NAMED THE NATIONAL "COTTON FARMER OF THE YEAR."

Also:

H. J. R. 95. HONORING J. B. NEIGHBORS UPON HIS RETIREMENT.

Also:

H. J. R. 96. MOURNING THE DEATH OF AUBREY S. BOONE.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

#### RESOLUTION

Mr. Fine offered the following Senate Joint Resolution, to-wit:

S. J. R. 256. CONGRATULATING THE RUSSELLVILLE HIGH SCHOOL BAND ON ITS DISTINGUISHED AWARD.

WHEREAS, The Russellville High School "Marching 100" took part in the recent Mardi Gras festivities in New Orleans; and

WHEREAS, This fine group of young people, due to their hard work and long hours of practice and under the inspired leadership of their director, Curtis F. Ikard, won the coveted "Greatest Band in Dixie" award for their superior performance in New Orleans; and

WHEREAS, This outstanding band has brought great honor not only to itself but also to the City of Russellville and the State of Alabama; and

WHEREAS, The City of Russellville and the State of Alabama are grateful to the Russellville "Marching 100" for bringing this great honor to them; now therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That we congratulate the Russellville High School "Marching 100" on winning the Mardi Gras "Greatest Band in Dixie" trophy, which they so richly deserve.

BE IT FURTHER RESOLVED That a copy of this resolution be sent to Curtis F. Ikard, Director, and the Russellville High School.

On motion of Mr. Fine, the Rules were suspended and the Resolution was adopted by the Senate.

FURTHER CONSIDERATION OF S. R. 255

The Senate proceeded to further consideration of the Resolution, S. R. 255.

The question was on the substitute offered by Mr. Perloff.

RECESS

At 11:25 A.M., on motion of Mr. Baker, the Senate took a recess until 1 o'clock P.M. this afternoon.

The recess period having expired, the Senate was called to order by Lieutenant Governor Beasley. A quorum of the Senate was present.

FURTHER CONSIDERATION OF S. R. 255

The Senate proceeded to further consideration of the Resolution, S. R. 255.

The question was on the substitute offered by Mr. Perloff.

On motion of Mr. Littleton, said Resolution and pending substitute was laid on the table.

FURTHER CONSIDERATION OF S. B. 62

The Senate then proceeded to further consideration of S. B. 62.

The question was on the substitute amendment offered by Mr. Edwards.



## MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 251. COMMENDING JOHN A. GARRETT FOR DISTINGUISHED AND SUPERIOR SERVICE.

Also:

S. J. R. 252. CALLING FOR ANNUAL JOINT MEETINGS OF THE HOUSE AND SENATE JUDICIARY COMMITTEES TO SCREEN REPORTS FROM THE PRIVACY AND SECURITY COMMITTEE OF THE ALABAMA CRIMINAL JUSTICE INFORMATION CENTER COMMISSION.

Also:

S. J. R. 254. COMMENDING WILLIE MAYS FOR HIS OUTSTANDING BASEBALL CAREER.

Also:

S. J. R. 256. CONGRATULATING THE RUSSELLVILLE HIGH SCHOOL BAND ON ITS DISTINGUISHED AWARD.

JOHN W. PEMBERTON,  
Clerk.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 17. To make appropriations for the support and maintenance of certain private schools and institutions of higher learning located in the State of Alabama for the fiscal year ending September 30, 1977.

JOHN W. PEMBERTON,  
Clerk.

## FURTHER CONSIDERATION OF S. B. 62

The Senate then proceeded to further consideration of S. B. 62.

The question was on the substitute amendment offered by Mr. Edwards, and said amendment was then lost.

Mr. Edwards then offered the following substitute amendment for his original amendment, to-wit:

## SUBSTITUTE AMENDMENT FOR S. B. 62

Amend Senate Bill No. 62, Page 1, Line 11, by striking out \$30,000,000 and inserting in lieu thereof "\$26,000,500"; and on Page 8, Line 21 by striking out "\$30,000,000" and inserting in lieu thereof "\$26,000,500"; and on Page 8, Line 28 by striking out "\$16,000,000" and inserting in lieu thereof "\$12,000,500"; and on Page 8, Line 32 by inserting after the word

“government” the following: “for offices and facilities for members of the legislature and officials connected therewith, committee conference rooms, and offices for other legislative departments. It is the intent of the legislature that the funds herein provided for a legislative building not be used to construct chambers in which the house and senate of the legislature are to meet.”

Which was adopted.

Yeas 23; Nays 7.

*Yeas:*

Messrs. Adams, Baker, Clemon, Edwards, Gilmore, Goodwin, King, Little, Littleton, McDonald (A), McMillan, Miller, Mims, Noonan, Pearson, Perloff, Perry, Powell, Roberts, Shelby, Stewart, Teague, Vacca.

— 23

*Nays:*

Messrs. Bank, Ellis, Fine, Jones, McDonald (S), Peden, St. John.

— 7

And the original amendment offered by Mr. Edwards, as thus amended, was then adopted by the Senate.

Yeas 27; Nays 3.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Gilmore, Goodwin, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Pearson, Peden, Perloff, Perry, Powell, Roberts, Shelby, Stewart, Teague, Vacca.

— 27

*Nays:* Messrs. Fine, Jones, St. John.

— 3

Mr. Little offered the following amendment to the Bill, S. B. 62, as thus amended, to-wit:

#### AMENDMENT TO S. B. 62, AS AMENDED

Amend Senate Bill No. 62 Page 8 Line 30, by striking out the words “Acquiring, constructing.”

On motion of Mr. Powell, said amendment was laid on the table.

Yeas 24; Nays 4.

*Yeas:*

Messrs. Baker, Clemon, Edwards, Ellis, Fine, Goodwin, King, Littleton, McDonald (A), McDonald (S), Miller, Mims, Mitchell, Pearson, Peden, Perloff, Perry, Powell, Roberts, St. John, Shelby, Teague, Vacca, Waldrop.

— 24

*Nays:* Messrs. Bank, Jones, Little, Stewart.

— 4

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 21. HONORING JUDGE G. KYSER LEONARD OF TALLADEGA ON HIS RETIREMENT.

JOHN W. PEMBERTON,  
Clerk.

## SIGNING OF RESOLUTION

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Hill:

H. 338. To provide that the Administrative Director of Courts, with the approval of the Chief Justice, is authorized to appoint and employ not more than two confidential secretaries who shall serve at the pleasure of the Chief Justice; said secretary or secretaries shall be subject to the Merit System Act only as to pay plan, and shall be assigned to assist retired justices or judges who perform active duty for the Supreme Court or one or both of the courts of appeals.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 338. To the Committee on Finance and Taxation.

## ADJOURNMENT

At 2:05 P.M., on motion of Mr. Perry, in accordance with Joint Resolution heretofore adopted, and pending further consideration of S. B. 62, the Senate adjourned until Tuesday, March 1, 1977, at 2 o'clock P.M.

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NINTH LEGISLATIVE DAY

TUESDAY, MARCH 1, 1977

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

## PRAYER

The Session was opened with prayer by the Reverend Roy Gamblin, Minister, Clayton United Methodist Church, Clayton, Alabama.

## ROLL CALL

Present:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

— 33

## JOURNAL

On motion of Mr. Mitchell, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Eighth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

U. W. CLEMON,  
Acting Chairman.

## COMMITTEE REPORT

On motion of Mr. Clemon, the foregoing report was concurred in and the Journal of the Senate for the Eighth Legislative Day was approved by the Senate.

## LEAVE OF ABSENCE

On motion of Mr. Mitchell, leave of absence was granted Messrs. Littleton and McDonald (S) for today.

## COMMUNICATION FROM SECRETARY OF STATE

STATE OF ALABAMA

DEPARTMENT OF STATE

I, Mrs. Agnes Baggett, Secretary of State of the State of Alabama, do hereby certify that it appears from the returns of the Special Election held on February 22, 1977, received in this Department in accordance with law, that the following named person was elected to the State Senate to fill a vacancy in said State Senate from the Twenty-second District as follows:

G. J. (Dutch) Higginbotham.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State, at the Capitol, in the City of Montgomery, this the 25th day of February, One Thousand Nine Hundred and Seventy-Seven.

MRS. AGNES BAGGETT,  
Secretary of State.

OATH OF OFFICE  
STATE OF ALABAMA  
MONTGOMERY COUNTY

I, G. J. (Dutch) Higginbotham, solemnly swear I will support the Constitution of the United States and the Constitution of the State of Alabama, so long as I continue to be a citizen thereof; and that I will faithfully and honestly discharge the duties of the office upon which I am about to enter to the best of my ability. So help me God.

G. J. (DUTCH) HIGGINBOTHAM,  
Senate District # 22.

STATE OF ALABAMA  
MONTGOMERY COUNTY

Sworn and subscribed before me this 28th day of February 1977.

C. C. TORBERT, JR.,  
Chief Justice Supreme Court of Alabama.

The foregoing oath of office, having been administered to and signed by Hon. G. J. (Dutch) Higginbotham in accordance with the Constitution, was read and ordered spread upon the Journal, and Mr. Higginbotham was duly proclaimed a member of the Senate.

COMMITTEE APPOINTMENTS ANNOUNCED

The President and Presiding Officer of the Senate announced the resignation of Mr. Vacca from the Standing Committee on Seaports and Inland Waterways.

The President and Presiding Officer of the Senate also announced the appointment of Mr. Higginbotham to the Standing Committees on Conservation, State Government, and Seaports and Inland Waterways.

RESOLUTIONS

Mr. Perloff offered the following Senate Resolution, to-wit:

S. R. 257. REQUESTING AN ADVISORY OPINION OF THE JUSTICES OF THE SUPREME COURT RELATIVE TO THE

**TERMINATION OR CONTINUANCE OF AGENCIES NOT SPECIFICALLY LISTED IN SECTION 3 OF ACT NO. 512, REGULAR SESSION 1976.**

WHEREAS, Resolutions from the Sunset Committee will be presented to the Legislature on the 10th Legislative day; and

WHEREAS, over 200 resolutions have been filed in the House and Senate; and

WHEREAS, Act No. 512, Regular Session, 1976, provides for definite "termination dates" for all state agencies as defined in said Act; and

WHEREAS, October 1, 1978, is the date designated for "any state agency existing on the date of the passage of this Act (512) and not specifically listed . . ."; and

WHEREAS, a controversy has arisen as to whether agencies can be considered during the current session that are not specifically listed under section 3 of Act 512.

NOW THEREFORE BE IT RESOLVED BY THE SENATE OF ALABAMA, That the following questions be submitted under Title 13, Section 34, Code of Alabama to the Supreme Court of Alabama for an advisory opinion:

1. "Can an agency not specifically listed under Section 3 of said Act 512 for termination or continuance on October 1, 1977, be considered and voted on during the 1977 Regular Session of the Legislature?"

2. "What is the 'termination date' for agencies not specifically listed by name in said Act 512?"

RESOLVED FURTHER, That the Secretary of the Senate transmit forthwith upon the passage of this resolution nine copies along with nine copies of Act No. 512 to the Supreme Court.

On motion of Mr. Perloff, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Edwards offered the following Senate Joint Resolution, to-wit:

**S. J. R. 258. COMPENSATION OF THE JUDGES.**

WHEREAS the State Judicial Compensation Commission under the provisions of Section 6.09 of Article VI of the Constitution of Alabama has submitted a report to the Legislature of Alabama relative to the salaries of the Judges of the courts of the State of Alabama, now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, that under the provision of Section 6.09 (d) the report is hereby rejected.

Which was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE GOVERNOR**

To the Senate  
State Capitol  
Montgomery, Alabama 36130

Gentlemen:

I transmit to you herewith a Message from the Governor.

Respectfully submitted,

HENRY B. STEAGALL, II,  
Executive Secretary.

Done this 1st day of March 1977.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama 36130

Gentlemen:

You will recall that in my address to the joint session of the Legislature on May 5, 1976, I urged caution and restraint, as well as certain remedial legislation, in the matter of pension funds. I stated to you that we should not allow our pension programs to deteriorate and become fiscally unsound like those in some other states and cities. I recommended to you certain legislation as follows:

First, to raise the teacher and State employee contributions to their pension programs from 5 percent to 6 percent, which would put the contribution in line with other states and Alabama's higher benefits. I pointed out to you that teachers, State employees, and employees of cities and counties that joined the State Plan have among the highest pension benefits in the United States.

Second, I proposed legislation which would place those individuals working toward supernumerary status under the Employees' Retirement System and require them to contribute their fair share and receive the same high benefits as regular State employees.

District Attorneys would have been required to pay into the State General Fund a contribution of one percent less than the contribution rate for the Judges.

Third, in the matter of the judiciary of this State, I pointed out to you that the new Judicial Article and the Judicial Retirement System has greatly increased financial demands upon the taxpayers of this State. I stated that we are all interested in having a fine judicial system and in providing financial incentives to attract qualified attorneys to serve in the Judicial Branch of Government; also, that there should be an adequate but fair retirement program; however, that under their existing program Judges could become "half a millionaire" the day they retire. I pointed out to you that a Judge who goes on the bench at age 35 can retire at age 53 and, if he lives his normal life expectancy, receive some \$550,000 in retirement benefits.

I regret to say that none of this legislation was adopted in the Regular Session of 1976.

I again urge caution and restraint in the matter of increasing or expanding any retirement benefits by additional legislation which may be pending before you.

The Legislature now has before it a report prepared by the Judicial Compensation Commission which will increase the compensation and the

retirement benefits for Judges in this State. This report has been rejected by the House and at the present time is in the Rules Committee of the Senate. Unless this is reported out by the Rules Committee and rejected by the Senate, this report will be adopted and will increase the compensation and pension benefits for Judges. I strongly urge that the Rules Committee report this recommendation to the full Senate and then that it be rejected.

Recently the State of Tennessee became so concerned about its debt to the public pension programs of approximately \$800 million, which incidentally is less than Alabama's, that the Legislature of Tennessee (1) placed a freeze on any pension increases; (2) set up a "Legislative Council on Pensions and Retirement" to fully screen all proposed legislation; (3) adopted legislation which would require that all public employees be treated on the same basis in regard to retirement benefits and contributions, and (4) stop certain other practices placing further burdens on state funds in the matter of retirement.

We cannot continue to enjoy low taxes and continue to improve schools, highways, mental health facilities, and increase funds to prisons, and yet continue to demand pension increases when we already have the finest retirement system in the United States.

We are currently paying out of the General Fund nearly \$1 million per year to certain former elected officials who are called supernumerary officials. These people did not make any contribution whatsoever. More importantly, hundreds of Alabamians are now working toward supernumerary status and the Legislature of Alabama does not even know what the potential liability is to the taxpayers of Alabama. The entire supernumerary area of public pensions, which is of questionable constitutional validity, should be closely reexamined by the Legislature.

The Judicial Retirement System should also be reconsidered by the Legislature. I again submit to you that it is an undue hardship on the taxpayers of our State to provide that Judges who go on the bench at age 35 can retire at age 53 and collect some \$550,000 in retirement benefits, assuming normal life expectancy, and to provide benefits of \$7,500 to \$10,050 for widows of Judges for their lifetime.

Teachers and State employees have a right to be sure that when they retire the necessary funds will be available for them. I submit to you that the Legislature should work closely with the Boards of Control and your Governor to hold the line on the current level of benefits so that reasonableness and moderation will be attained in contributions and benefits received.

I respectfully remind the Legislature that both the Teachers' Retirement System and Employees' Retirement System Boards of Control have submitted formal resolutions to you asking that no additional pension benefits be given this year.

Respectfully submitted,  
GEORGE C. WALLACE,  
Governor.

#### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, was read and ordered spread upon the Journal.



REPORT OF  
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill and Senate Joint Resolutions with the original Senate Bill and Senate Joint Resolutions respectively, and finds same correctly enrolled, to-wit:

S. J. R. 251. COMMENDING JOHN A. GARRETT FOR DISTINGUISHED AND SUPERIOR SERVICE.

Also:

S. J. R. 252. CALLING FOR ANNUAL JOINT MEETINGS OF THE HOUSE AND SENATE JUDICIARY COMMITTEES TO SCREEN REPORTS FROM THE PRIVACY AND SECURITY COMMITTEE OF THE ALABAMA CRIMINAL JUSTICE INFORMATION CENTER COMMISSION.

Also:

S. J. R. 254. COMMENDING WILLIE MAYS FOR HIS OUTSTANDING BASEBALL CAREER.

Also:

S. J. R. 256. CONGRATULATING THE RUSSELLVILLE HIGH SCHOOL BAND ON ITS DISTINGUISHED AWARD.

Also:

S. 17. To make appropriations for the support and maintenance of certain private schools and institutions of higher learning located in the State of Alabama for the fiscal year ending September 30, 1977.

U. W. CLEMON,  
Acting Chairman.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the secretary of the Senate, signed the foregoing bill and Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

RESOLUTION

Mr. Baker offered the following Senate Resolution, to-wit:

S. R. 259. URGING THE SENATE RULES COMMITTEE TO REPORT OUT H. J. R. 33.

WHEREAS, H. J. R. 33 is currently in the Senate Rules Committee; and

WHEREAS, this resolution urges rejection of the Report of the State Judicial Compensation Commission for salaries and expense allowances for the judiciary submitted February 1, 1977; and

WHEREAS, salaries and allowances for the judiciary in the State of Alabama are already more than adequate but, more importantly, are within reasonable fiscal means of the state treasury which is far from true of those recommended to the legislature by the Judicial Compensation Commission; and

WHEREAS, ridiculously high salaries granted to the judiciary will result in even greater pensions when these judges and their wives reach retirement age; proposed increases already amount to thousands of dollars annually for each retired judge and widow; and

WHEREAS, it is mandatory, if we are to govern wisely, to see that fiscal responsibility prevails and that the State of Alabama ceases to operate beyond its means; now therefore,

BE IT RESOLVED BY THE SENATE OF THE ALABAMA LEGISLATURE, That we most respectfully, but urgently, request the Senate Rules Committee to report out H. J. R. 33.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to each member of the Senate Rules Committee.

Which was read and referred to the Standing Committee on Rules.

#### INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Peden:

S. 575. To designate Lauderdale County Highway No. 14 as a state highway.

Committee on Finance and Taxation.

By Messrs. Peden, Fine, Clemon, Perloff, Gilmore, Owen, King, Pearson, St. John and McDonald (A):

S. 576. Relating to state highway department construction and maintenance projects within the corporate limits of municipalities in this state; to prescribe procedure whereby federal matching funds may be made available for such projects and to regulate the allocation of such funds.

Committee on Finance and Taxation.

By Mr. Wilson:

S. 577. To provide for the establishment, regulation of, and an appropriation for the financing of a scholarship loan and awards program for the study of dentistry; replacing Act No. 793 of Acts of Alabama, Regular Session, 1965.

Committee on Finance and Taxation.

By Mr. Wilson:

S. 578. To provide for a scholarship program for medical education; to repeal Act No. 278 adopted at the First Special Session of 1965 of the Legislature of Alabama and making an appropriation therefor.

Committee on Finance and Taxation.

By Messrs. King, McDonald (A) and Peden:

S. 579. This bill establishes a procedure whereby the circuit court clerk maintains a complete public record of a judge's sentencing history. This public record will be made available for inspection by the media and the general public at all times during normal working hours.

Committee on Judiciary.

By Mr. King:

S. 580. Administrative agencies and boards must establish a basis for new rules and regulations and must demonstrate their economic impact to professionally accepted methodology and justify their conclusions about the need for any governmental administrative action.

Committee on State Government.

By Mr. Baker:

S. 581. Relating to counties having a population of not less than 41,750 nor more than 45,000 according to the 1970 or any subsequent federal decennial census, to create and establish a board of jury supervisors in lieu of a jury commission, to define the power, authority, duties and jurisdiction of such board, to provide for the appointment, dismissal, method of filling vacancies and compensation of board members, to provide for the transfer of records to said board from the former jury commission, to provide for a quorum and to authorize the hiring of a clerk.

Committee on Local Legislation No. 1.

By Messrs. Baker and Edwards:

S. 582. To provide protection to certain corporate citizens or residents of Alabama, their shareholders and employees and the public against takeover offers which do not provide full and fair disclosure of all material information, which do not provide adequate time for consideration or which are based upon unfair or inequitable terms; to prescribe regulations to insure such protection; to provide for enforcement of such regulations; to prescribe penalty for violation of such regulations and to provide for review of certain takeovers by the Alabama Supreme Court.

Committee on Judiciary.

By Mr. Edwards:

S. 583. To amend Section 1 of Act No. 638, H. 234 of the 1976 Regular Session (Acts of 1976, p. 886), which act pertains to persons pardoned or paroled who are gainfully employed and the disposition of their income, so as to prescribe that no deductions shall be made for the monthly support and maintenance cost from persons receiving state unemployment benefits.

Committee on Finance and Taxation.

By Messrs. Ellis, King and Gilmore:

S. 584. To require the State Building Commission to adopt, promulgate and enforce a state building code which contains energy conservation measures; to provide that said code is to be used in all future

construction or remodeling of buildings which are constructed with state appropriated funds and to appropriate monies from the state general fund and the special educational trust fund for the development of said code.

Committee on State Government.

By Mr. Jones:

S. 585. To establish length and periods of time for state employees in which they would be recognized for service to the state by increased allowances.

Committee on Finance and Taxation.

By Mr. Jones:

S. 586. To provide that full-time employees of the Alabama State Employees' Association may participate in the Employees' Retirement System subject to the rules, regulations, and conditions set out in Section 12 of Act No. 515 of the 1945 Legislature of Alabama (now appearing at Section 467 of Title 55, Code of Alabama 1940) as amended, for the participation of counties, cities, towns and public or quasi-public organizations.

Committee on State Government.

By Mr. Baker:

S. 587. Relating to taxation; exempting Shrine Temples which are Temples of the Ancient Arabic Order of Nobles of the Mystic Shrine for North Alabama from the levy of the state sales and use tax.

Committee on Finance and Taxation.

By Mr. Jones:

S. 588. To provide that upon the death of a state employee his beneficiary shall be entitled to a payment of one-half of his accrued sick leave and to repeal all conflicting statutes.

Committee on State Government.

By Mr. Pearson:

S. 589. To amend further Section 6 of Act No. 515, H. 93, Regular Session of 1945 (Acts 1945, p. 741; now appearing in Code of Alabama Recompiled 1958, Title 55, Section 461), as amended, which Act establishes the employees retirement system, so as to restructure the Board of Control of said system.

Committee on Business and Labor Relations.

By Mr. Little:

S. 590. To provide for the deposit by the various counties of this state of county funds in demand deposits and in time deposits, open account, in county depository banks, and providing a procedure to accomplish such deposits.

Committee on Banking.

By Mr. Jones:

S. 591. To provide salary increases for certain state employees; and to appropriate funds therefor.

Committee on Finance and Taxation.

By Mr. Jones:

S. 592. To further amend Sections 1 and 3 of Act No. 470, S. 182, 1969 Regular Session (Acts 1969, p. 912—now appearing in Code of Alabama Recompiled 1958, Title 55, Section 488 (1) and 488 (3) ), as amended, which Act relates to various expense allowances for state employees so as to provide for increases in mileage allowances for such employees.

Committee on State Government.

By Mr. Bank:

S. 593. To amend the Solid Wastes Disposal Act, being Act No. 771, Acts of Alabama 1969 (p. 1373), as amended by Act No. 2247, Acts of Alabama 1971 (p. 3604), and appearing as Title 22 ¶ ¶ 346-351, inclusive, Code of Alabama, 1940 (recompiled 1958), as amended; to define residential and commercial type units; to define and make mandatory the responsibility of municipalities and counties to make available to the general public a system for the collection and disposal of solid wastes; to authorize the governing body of municipalities and counties to enter into non-exclusive or exclusive contracts with private agencies for the collection and disposal of solid wastes, except that no exclusive contract for the collection for commercial type units shall be entered into by counties having a population of more than 75,000 according to the last decennial census; to provide for the method of letting exclusive contracts with private agencies and certain requirements with respect thereto; and to repeal all laws in conflict herewith.

Committee on Health and Welfare.

By Mr. Bank:

S. 594. Proposing an amendment to the Constitution of Alabama relating to the consolidation of county offices in Pickens County.

Committee on Local Legislation No. 1.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Bank (with notice and proof):

S. 595. To validate the elections held in Pickens County, Alabama, on October 28, 1975, and actions taken pursuant thereto.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 595, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Owen:

S. 596. To further amend Sections 4, 7, 10 and 12 of Act No. 422, H. 325 of the 1951 Regular Session (Acts 1951, p. 745), as last amended and reenacted, which Act regulates real estate brokers, salesmen and real estate transactions, so as to provide further therefor.

Committee on State Government.

By Mr. Owen:

S. 597. To further amend Section 11 of Act No. 422, H. 325 of the 1951 Regular Session (Acts 1951, p. 745), as last amended and reenacted, which section pertains to the Real Estate Commission Fund, so as to eliminate the requirement of limiting the expenditure of funds to the budgeted and allotted amount appropriated by the legislature.

Committee on Finance and Taxation.

By Mr. Owen:

S. 598. To further amend Sections 5, 10 and 11 of Act No. 422, H. 325 of the 1951 Regular Session (Acts 1951, p. 745) as last amended and reenacted, which Act pertains to qualifications for real estate broker and real estate salesmen licensees, so as to establish a "Real Estate Recovery Fund"; to provide procedural rights for aggrieved parties in certain real estate transactions and to provide for the termination of the license of any person against whom a judgment creates a claim against such fund; and to further provide for certain fees and the distribution thereof.

Committee on Finance and Taxation.

By Mr. Owen:

S. 599. To provide further for the retirement of beverage control agents, license inspectors and other law enforcement officers of the Alabama Alcoholic Beverage Control Board, to allow such officers to retain their badges, commissions and certain other equipment as the board may authorize.

Committee on State Government.

By Messrs. Powell and Jones:

S. 600. Relating to the State Personnel Board to increase the number of members on said board from three to five; providing for the selection, appointment, term of office and compensation of the additional members and repealing all conflicting statutes.

Committee on Business and Labor Relations.

By Mr. Baker:

S. 601. To amend Title 8, Section 91, Code of Alabama 1940, as amended, so as to increase the cost of trapping licenses.

Committee on Conservation.

By Mr. Baker:

S. 602. To require identification of all traps used by trappers; to require reporting by fur trappers and fur buyers as to the numbers and types of furs sold and purchased; to prescribe certain procedures

concerning the use of such traps; to make certain activities associated with trapping unlawful; and to prescribe penalties for anyone convicted of violating any of the provisions of this act.

Committee on Conservation.

By Mr. Baker:

S. 603. To amend Title 8, Section 91, Code of Alabama 1940, as amended, so as to increase the cost of trapping licenses.

Committee on Conservation.

By Mr. Baker:

S. 604. To require identification of all traps used by trappers; to require reporting by fur trappers and fur buyers as to the numbers and types of furs sold and purchased; to prescribe certain procedures concerning the use of such traps; to make certain activities associated with trapping unlawful; and to prescribe penalties for anyone convicted of violating any of the provisions of this act.

Committee on Conservation.

By Messrs. Ellis & Bank:

S. 605. To exempt a prosthesis from all state, county or city sales and use tax.

Committee on Finance and Taxation.

By Mr. Teague:

S. 606. To require persons or companies bidding on asphalt plant mix to be sold to the State of Alabama to be licensed contractors as set out in Code of Alabama 1940, Title 46, Section 73, as amended, and requiring such asphalt plants to be inspected and certified by the Highway Department that it is capable of producing the amount required by the bid.

Committee on Commerce, Transportation,  
and Utilities.

### BILLS ON THIRD READING

The Bill:

S. 238. To create the office of county historian in all counties of this state having a population of not less than 60,000 nor more than 65,000 inhabitants, according to the 1970 or any subsequent federal decennial census; to provide for compensation and the method of appointment, and to prescribe the duties.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Gilmore, Higginbotham, Little, McMillan, Miller, Mims, Mitchell, Owen, Pearson, Peden, Perloff, Perry, Powell, St. John, Shelby, Teague, Vacca, Waldrop, Wilson.

—25

Nays:

—0

**The Bill:**

S. 411. To provide for a collective bargaining procedure to settle all employment problems for all firefighters employed by municipalities having a population of not less than 100,000 inhabitants nor more than 135,000 inhabitants according to the most recent federal decennial census; to provide definitions for terms used in this Act.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Abstaining 2.

*Yeas:*

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Little, McDonald (A), McMillan, Miller, Mitchell, Owen, Pearson, Peden, Perloff, Powell, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

*Abstaining:* Messrs. Baker, Jones.

—2

**The Bill:**

S. 524. Relating to the thirty-fourth judicial circuit, providing the district attorney of said circuit an annual expense allowance payable by the county composing said circuit.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Bank, Clemon, Edwards, Fine, Goodwin, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perry, Powell, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—25

*Nays:*

—0

**The Bill:**

H. 10. Relating to Pike County, increasing the pistol permit fee in said county and providing for retroactive effect.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Jones, King, Little, McDonald (A), Miller, Mims, Noonan, Owen, Pearson, Peden, Perry, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—25

*Nays:*

—0



S. B. 462	39	Probate Court
H. B. 106	64	Security interest
H. B. 380	67	Criminal sexual conduct
S. B. 531	67	Corrects Code
S. B. 222	21	

On motion of Mr. Littleton, said substitute was laid on the table.

Yeas 17; Nays 13.

*Yeas:*

Messrs. Adams, Bank, Clemon, Edwards, Fine, Gilmore, Jones, Littleton, Mims, Noonan, Pearson, Peden, Perloff, St. John, Shelby, Waldrop, Wilson.

— 17

*Nays:*

Messrs. Baker, Ellis, Goodwin, King, Little, McDonald (A), McDonald (S), McMillan, Miller, Mitchell, Powell, Roberts, Stewart.

— 13

Mr. Perloff offered the following substitute for the Resolution, to-wit:

#### SUBSTITUTE FOR S. R. 255

S. R. 255. RESOLVED by the Senate that the following bills shall be the paramount and continuing order of business upon reaching bills on third reading for the 8th Legislative day and for each day thereafter until disposed of:

All uncontested local bills.

Bill No.	Page No.	Description
S. B. 264	15	Investment bill— Insurance Dept.
S. B. 266	15	Supervision bill— Insurance Dept.
S. B. 285	33	Rural water systems
S. B. 71	8	Civil Defense
S. B. 458	38	Public Utilities
S. B. 182	29	Constitutional convention
S. B. 54	29	Corporations
H. B. 101	26	Code Commission
S. B. 459	38	Probate Court
S. B. 462	39	Probate Court
H. B. 86	43	Regulated loans
H. B. 106	64	Security interest

**The Bill:**

H. 212. To authorize the Limestone County Commission to appropriate funds from the Highway Traffic Funds of said county or other funds in the County Treasury for law enforcement purposes in said county, including the payment of the salaries of any deputies that might be employed by the Sheriff of said county.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Gilmore, Jones, King, Little, McDonald (A), Miller, Mims, Mitchell, Noonan, Owen, Peden, Perry, Powell, Roberts, St. John, Shelby, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

**The Bill:**

H. 393. To permit any bank, having its principal place of business in Repton, Alabama to establish, maintain, and operate, within the limits or boundaries of Conecuh County, a branch or additional office or place of business, subject to the approval of the state superintendent of banks.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Jones, King, Little, McDonald (A), McMillan, Mims, Noonan, Owen, Peden, Perry, Powell, Roberts, Shelby, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

**The Bill:**

S. 480. To provide that certain Lee County officers, i.e.: tax collector and tax assessor be placed on a salary; to provide further the amount and mode of payment; to establish clerk hire allowances for such officers, and to provide for the payment from the general funds of the county.

was taken up.

Mr. Little offered the following amendment to the Bill, S. B. 480, to-wit:

**AMENDMENT TO S. B. 480**

Amend Senate Bill No. 480, Page 2 by inserting a period after the word "Respectively" on line 5 and thereafter striking out the remainder of Section 5.

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Higginbotham, Little, McDonald (A), McMillan, Miller, Mims, Owen, Pearson, Peden, Perloff, Perry, Powell, Roberts, St. John, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

And said Bill, S. B. 480, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Higginbotham, Little, McDonald (A), McMillan, Miller, Mims, Owen, Pearson, Peden, Perloff, Perry, Powell, Roberts, St. John, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 398. Relating to Coosa County; authorizing the levy of a tax on the sale and distribution of malt or brewed beverages; providing for the collection of such tax; and allowing the confiscation of such beverages on which such tax has not been paid.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, H. B. 398, to-wit:

#### COMMITTEE AMENDMENT TO H. B. 398

Amend H. 398 by amending Section 7 as follows:

SECTION 7. All laws or parts of laws which conflict with this Act are repealed. specifically including Act No. 102, H. 222 1969 Special Session (Acts of 1969, p. 383) and Act No. 755, H. 1704, 1973 Regular Session, (Acts of 1973, p. 1127).

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Jones, King, Little, McDonald (A), Miller, Mims, Mitchell, Owen, Pearson, Peden, Perry, Powell, Roberts, St. John, Shelby, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

And said Bill, H. B. 398, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Jones, King, Little, McDonald (A), Miller, Mims, Mitchell, Owen, Pearson, Peden, Perry, Powell, Roberts, St. John, Shelby, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 507. To amend Section 4 of Act No. 246, H. 871, 1976 Regular Session (Acts of 1976, p. 281), relating to purging the lists of registered voters in Colbert County and prescribing the procedure for the reidentification of registered voters; so as to increase the compensation paid members of the board of registrars and to make this act retroactive.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Goodwin, Jones, King, Little, McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perry, Powell, Roberts, Shelby, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 513. Relating to Escambia County, Alabama allowing the municipal governing bodies of the City of Brewton located in such County to determine the closing hours for places selling alcoholic beverages within its city limits and police jurisdiction.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Gilmore, Goodwin, Jones, King, Little, McDonald (A), McMillan, Mims, Noonan, Owen, Peden, Perry, Powell, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—25

*Nays:*

—0

The Bill:

H. 382. Relating to Clay County; to provide for the total rehabilitation of certain persons, both male and female, convicted of any type crime and sentenced to a term of confinement in the county jail of Clay County.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Goodwin, Jones, King, Little, McMillan, Miller, Mims, Noonan, Owen, Peden, Perry, Powell, Roberts, St. John, Stewart, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 526. Relating to Bibb County; providing for the establishment of a consolidated and unified system of assessing and collecting taxes under one elective county official designated as "county tax assessor and collector"; prescribing the powers, duties, term of office and compensation of said official; providing for the manner of election to the new office; abolishing the offices of tax assessor and tax collector in Bibb County; repealing conflicting laws; and prescribing the effective date of this act.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Gilmore, Goodwin, Jones, King, Little, McMillan, Miller, Mims, Mitchell, Owen, Peden, Perloff, Perry, Powell, Shelby, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 527. To amend Section 1 of Act No. 67, H. 11, Second Special Session 1965 (Acts Second and Third Special Sessions 1965, p. 92), fixing the compensation of election officers in Bibb County.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Gilmore, Goodwin, Jones, King, Little, McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perry, Powell, Shelby, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 528. To amend Section 1 of Act No. 87, H. 203, Second Special Session 1965 (Acts Second and Third Special Sessions 1965, p. 117), regulating the pay of the members of the county board of equalization of Bibb County.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Gilmore, Goodwin, Jones, King, Little, McDonald (A), Miller, Mims, Mitchell, Owen, Pearson, Perloff, Perry, Powell, Roberts, Shelby, Teague, Vacca, Wilson.

—25

*Nays:*

—0

The Bill:

H. 529. To further amend Section 1 of Act No. 258, H. 607, Regular Session 1953 (Acts 1953, p. 325) as amended, which fixes the compensation of the jury commission of Bibb County so as to provide further for the compensation of such commission.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Gilmore, Goodwin, Jones, King, Little, McMillan, Miller, Mims, Mitchell, Noonan, Peden, Perloff, Perry, Powell, Roberts, Shelby, Teague, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 530. Relating to Bibb County; to provide for the fixing of a fee for the issuance of a pistol permit by the sheriff; and providing for the disposition and use of such fees.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Gilmore, Goodwin, Jones, King, Little, McMillan, Miller, Mims, Noonan, Owen, Peden, Perloff, Perry, Powell, Roberts, Shelby, Teague, Vacca, Wilson.

—25

*Nays:*

—0

The Bill:

H. 532. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Centreville, in Bibb County.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Goodwin, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Shelby, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Messrs. Gregg and Albright:

H. J. R. 104. COMMENDING THE STUDENT GOVERNMENT ASSOCIATION OF BUTLER HIGH SCHOOL, HUNTSVILLE, ALABAMA.

Also:

By Messrs. Whatley, Baker, Turnham, Reed, Armstrong, Barron, Biddle, Boles, Buskey, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harrison, Hill, Holley, Holmes (D), Hopping, Jackson (F), Jackson (R), Johnson, Jolly, Kelley, Kennedy, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCorquodale, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Sasser, Shelton, Shoemaker, Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Venable, Waggoner, Warren, White, Williams and Wyatt:

H. J. R. 103. CONGRATULATING REPRESENTATIVE G. J. "DUTCH" HIGGINBOTHAM ON HIS ELECTION TO THE SENATE.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. King, the Rules were suspended and the Resolution, H. J. R. 104, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Mr. Little, the Rules were suspended and the Resolution, H. J. R. 103, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Gregg:

H. 9. To provide a comprehensive Correctional Incentive Program based on incentive for good conduct and work performed in the general operation of the prison and in prison industrial, agricultural, educational and work-release programs or other bona fide rehabilitative programs; to establish definitive criteria for qualification; to establish definitions for classifications under which sentence reductions may be earned; to prescribe for the loss of correctional incentive sentence reductions; to provide limitation of sentence reductions; to provide for notification of inmates; to provide certain responsibilities of the Board of Corrections and

the State Board of Pardons and Paroles; and to repeal specific and conflicting laws.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 9. To the Committee on Judiciary.

### REPORTS OF COMMITTEES

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Baker (With Amendment):

S. 390. To provide for the regulation and control of state-owned aircraft for official use by state officers and employees; to provide for a state aircraft transportation pool under the administration of a merit system employee, known as the chief pilot, who shall be responsible for the administration of all personnel assigned to such pool and for the maintenance of all aircraft therein; to establish a revolving fund for such pool and make appropriation from the general fund therefor; to provide for the administration and enforcement of this Act and to prescribe penalties for violations; to ratify all acts of the Governor and finance director in establishing such pool and to validate the transfer of funds allocated to state departments for acquisitions of aircraft to the finance department for the establishment of such pool.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Owen:

S. 513. Relating to the funding of the Alabama Medicaid Program; appropriating all interest which accrues on time deposits of Federal Revenue Sharing Funds to the State Health Department to be used exclusively for the operation of the Alabama Medicaid Program.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following Resolutions and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. McMillan:

H. J. R. 93. CREATING A SELECT JOINT INTERIM COMMITTEE TO REVIEW THE CURRENT FOREST WILDFIRE EMERGENCY SITUATION.



By Mr. Perloff:

S. J. R. 247. CREATING A JOINT INTERIM COMMITTEE TO STUDY THE FEASIBILITY OF ADOPTING A REVISED PROBATE CODE FOR THE STATE OF ALABAMA.

Mr. Baker, Vice-Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Mitchell:

S. 550. Providing a supplement to the salary of the circuit judge of the second judicial circuit to be paid in equal parts by the counties composing said circuit.

By Mr. Mitchell:

S. 549. Relating to all counties having a population of not less than 13,000 nor more than 13,250 inhabitants according to the 1970 or any subsequent federal decennial census; to provide further for the use of the sheriff's fund in such counties and to repeal conflicting statutes.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Mr. Whatley:

H. J. R. 91. CITING FOR MERIT DR. BOOKER TILLMAN WHATLEY OF TUSKEGEE INSTITUTE.

Also:

By Mr. Roberts:

H. J. R. 92. CONGRATULATING THE MORGAN COUNTY HIGH SCHOOL ARCHERY TEAM FOR FIRST PLACE HONORS IN CHAMPIONSHIP COMPETITION.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolutions, H. J. R.'s 91 and 92, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Mr. Holmes (D):

H. J. R. 97. COMMENDING THE OXFORD HIGH SCHOOL

**GIRLS GYMNASTICS TEAM FOR THEIR AWARD WINNING PERFORMANCE IN STATEWIDE COMPETITION.**

Also:

By Mr. Holmes (D):

H. J. R. 98. COMMENDING THE WEAVER HIGH SCHOOL MARCHING BAND FOR HONORS PARTICIPATION IN NEW ORLEANS' MARDI GRAS.

Also:

By Mr. Holmes (D):

H. J. R. 99. CONGRATULATING CHERYL BURGESS, "MISS ALABAMA UNIVERSE."

Also:

By Mr. Holmes (D):

H. J. R. 100. COMMENDING WALTER WELLBORN HIGH SCHOOL PANTHERS FOOTBALL TEAM.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

On motion of Mr. Fine, the Rules were suspended and the Resolutions, H. J. R.'s 97, 98, 99, and 100, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

**RESOLUTION**

Mr. McMillan offered the following Senate Joint Resolution, to-wit:

S. J. R. 246. MOURNING THE DEATH OF JOSEPH THOMAS PRIESTER, SR.

WHEREAS, Joseph T. Priester, Sr., of Florence, died suddenly on September 14, 1976, at age 51; and

WHEREAS, Mr. Priester, a member of the Highland Baptist Church and the Florence Rotary Club, owned three restaurants in the Florence area and in Tennessee; and

WHEREAS, He was a dedicated and involved member of the ATO fraternity and was instrumental in organizing the ATO Chapter at the University of North Alabama; and

WHEREAS, Joe Priester was a devoted husband and father; although his restaurants kept him on the road constantly, he created as much time as possible to be with his wife, the former Ann Roberts, and his three children, Jan, Jim, and Joe, Jr.; and

WHEREAS, Mr. Priester was highly respected in his profession, his church and his community; now, therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That we recognize

the exemplary Christian life of Joseph T. Priester and give thanks for his inspiration to his friends and colleagues;

**BE IT FURTHER RESOLVED**, That our deepest sympathy is extended to his bereaved family, to whom copies of this resolution will be sent.

On motion of Mr. Fine, the Rules were suspended and the Resolution was adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Albright, Smith (B), Riddick, Lutz, Starkey, McNees, Naramore, Weeks, Moore (W), Sasser and Turnham:

**H. J. R. 55. MOURNING THE DEATH OF ESLEY MULLENAX FLANAGAN.**

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolution, H. J. R. 55, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Moore (O):

**H. J. R. 69. HONORING AND CONGRATULATING WILLIAM M. CLARK FOR FORTY YEARS OF MERITORIOUS SERVICE TO SHELBY COUNTY.**

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolution, H. J. R. 69, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Robertson, Howard, Owens, Johnson, Clark and Lee:

H. J. R. 85. MOURNING THE DEATH OF THE REVEREND OSBORNE SAMUEL HARVEY.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolution, H. J. R. 85, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Messrs. Gregg, Smith (B), Albright, Lutz, Moore (W), Riddick and Martin:

H. J. R. 67. MOURNING THE DEATH OF DR. KENNETH E. JOHNSON.

Also:

By Messrs. Sonnier, Sandusky, Callahan, Johnstone, Glass and Cooper:

H. J. R. 68. CONGRATULATING THE COACHES AND PLAYERS OF THE MURPHY HIGH SCHOOL PANTHERS FOR THEIR SUPERLATIVE EFFORTS DURING THE 1976 FOOTBALL SEASON.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolutions, H. J. R.'s 67 and 68, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

#### UNFINISHED BUSINESS

##### BILLS ON THIRD READING RESUMED

The Senate proceeded to further consideration of the Unfinished Business for today, which was the Bill:

S. 62. To authorize and provide for the issuance of revenue bonds for the purpose of providing for the construction, reconstruction, improvement, alteration, enlargement and equipment of public office building facilities and of annexes, additions and enlargements of such buildings and for the acquisition of sites therefor; to authorize and provide for the establishment of a public corporation, to be known as the Alabama Capitol Building Authority, to issue such bonds; to provide that a part of the proceeds of such bonds shall be used by the authority established hereunder for the purpose of providing such public office building or buildings for the legislative branch of the government of the State of Alabama, that a part of such proceeds shall be used by the Alabama

Building Authority for the purpose of constructing, altering and improving the public office building facilities heretofore constructed by such authority or for constructing and equipping of annexes, additions or enlargements of such building, and the remainder of the proceeds of such bonds shall be used by the Alabama Building Finance Authority for the purpose of constructing, altering and improving public office building facilities heretofore constructed by such authority or for constructing and equipping of annexes or additions to such buildings; to authorize the issuance of refunding bonds; to provide for the investment of the proceeds from the sale of such bonds; to provide that all properties procured, constructed or improved or enlarged with the proceeds of any bonds hereby authorized and the income therefrom and all bonds issued pursuant to this act and the income therefrom and all leases made and all lien notices filed relative to buildings or additions constructed, altered, improved or equipped pursuant to this act, shall be exempt from all taxation in the State of Alabama; to provide that such bonds shall constitute negotiable instruments; to provide that such bonds shall be payable solely out of revenues of the several authorities, respectively, and shall not create an obligation or debt of the state; to provide that any bonds issued pursuant to this act may be used as security for deposits and investment of public funds and fiduciary funds; to specify the application of the proceeds of the bonds issued pursuant to this act; to provide for the construction of public office building facilities, the alteration, construction of annexes or additions to, and improvement of public office building facilities and for the equipment of such facilities or additions thereto by the several authorities above listed; to authorize the conveyance to each of said authorities of lands owned by the State; to create a reserve fund for the benefit of the bonds issued pursuant to this act; to authorize the authority established hereunder to pledge such revenues from any facilities constructed under authority of this act as may be necessary to pay the principal of and interest on its bonds; to authorize the filing for record of an instrument reciting the issuance of said bonds and the creation of said pledge as a lien on said revenues which filing will constitute constructive notice; to provide that the state treasurer shall be the custodian of the funds of the authority; to provide for the lease to and by agencies, boards, commissions, public corporations, bureaus and departments of the State of Alabama and of the United States, and private parties of space for occupancy in said facilities or additions thereto; and to authorize publication of notice of each resolution authorizing any bonds or pledge and to specify a limitation of time thereafter for actions or defenses respecting said bonds or pledge.

as amended, which said amendments are set out in the Journal of the Senate for the Sixth and Eighth Legislative Days.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Higginbotham, Turnham and Whatley:

H. 617. To provide for the compensation of the chairman and members of the Waterworks Boards of any city having a population of not less than 18,250 nor more than 19,250 inhabitants according to the most

recent or any subsequent federal decennial census; and to make the provisions of this act retroactive to October 1, 1976.

Also:

By Mr. Campbell:

H. 534. Proposing an amendment to the Constitution of Alabama relating to placing the probate judge, the tax assessor, and the tax collector of Sumter County on a salary basis of compensation.

Also:

By Messrs. Campbell and Manley:

H. 707. To amend further Act No. 1590, S. 415, 1971 Regular Session (1971 Acts, p. 2717), which provides for establishing and enforcing rules and regulations for training, licensing and related requirements for ambulance operators, attendants, and drivers and rules and regulations for the operations, design, equipment and inspection and licensing of ambulances, and which prescribes penalties for violation of such rules and regulations and exempts certain volunteer rescue squads from the provisions of the Act, so as to delete Sumter County from provisions of this Act exempting Marengo and Sumter Counties from certain provisions of the Act and granting the county governing bodies of such counties certain regulatory powers relative to ambulances, ambulance attendants and ambulance drivers, for such purposes amending the title and Section 6 of such Act.

Also:

By Messrs. Roberts, Cross, Martin and Drake (with notice and proof):

H. 742. Relating to Morgan County and to enable Morgan County to make contributions and to provide for liability insurance, to volunteer rural fire departments organized according to law in Morgan County, Alabama and to provide life and accident insurance to the members of such organizations.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 742, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Messrs. Martin, Roberts, Drake and Cross (with notice and proof):

H. 743. Relating to Morgan County; to direct the judge of probate to transfer all records and lists in his custody relating to electors and voting to the board of registrars of Morgan County and to direct the board of registrars to supply to the probate judge from time to time such transferred information as may be necessary to the fulfillment of his lawful duties; and to repeal conflicting laws.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 743, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Messrs. Martin, Roberts, Cross and Drake (with notice and proof):

H. 744. To amend Section 2 of Act No. 908, H. 1692, Regular Session 1971 (Acts 1971, p. 1672), which act provides for a contingent fund for certain counties classified on a population basis, so as to provide certain traveling expenses to county officials.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 744, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Mr. Dial (with notice and proof):

H. 782. Relating to Cleburne County; to change the method of compensating the judge of probate, the tax assessor, and the tax collector; to fix the compensation of each of such officers; and to make the act retroactive as to the judge of probate.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 782, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 617, 534, 707, 742, 743, 744, and 782. To the Committee on Local Legislation No. 1.

(The above Bill, H. B. 534, was read a third time at length as required by the Constitution.)

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Falkenburg and Waggoner:

H. 195. To amend Section 12 of Act No. 407, Acts of Alabama, 1971 Regular Session (Section 12, Title 28A, Code of Alabama 1940, as amended) so as to exempt from the Alabama Insurance Code a trust established by The University of Alabama in Birmingham and its faculty, employees and affiliated organizations for the purpose of wholly or partially providing indemnification against liability claims based upon acts or omissions including without limitation claims based upon malpractice of physicians

who are members of the faculty of the University of Alabama School of Medicine and residents and interns employed by the University of Alabama Hospitals for services performed in the Medical Center of The University of Alabama in Birmingham or elsewhere; other employees of the University of Alabama Hospitals and the hospitals located within the Medical Center of The University of Alabama in Birmingham in which such physicians and employees perform services and other persons engaged in the delivery of health care who are associated with the University of Alabama in Birmingham.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 195. To the Committee on Finance and Taxation.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Starkey:

H. 593. Relating to counties having a population of not less than 38,100 and not more than 40,500 according to the 1970 or any subsequent federal decennial census; providing for the payment of an expense allowance for the members of the county board of education of said counties.

Also:

By Mr. Folmar (with notice and proof):

H. 317. To alter, rearrange and extend the boundary lines and corporate limits of the City of Troy, in the County of Pike and State of Alabama; providing for the repeal of all laws or parts of laws in conflict herewith; and prescribing the time when this Act shall become effective.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 317, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Messrs. Smith (M) and Higginbotham (with notice and proof):

H. 437. Relating to the governing body of Chambers County; amending Sections 1 and 2 of Act No. 475, H. 304, Regular Session 1973 (Acts of 1973, p. 689), which act creates the county commission of Chambers County in lieu of the court of county commission of such county; so as to provide further for the rearrangement of commissioner's districts and for the election, terms and qualifications of the commissioners.



I hereby certify that this Notice & Proof is attached to the Bill, H. B. 437, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Messrs. Brindley and Jolly (with notice and proof):

H. 628. Relating to Blount County; to authorize the county commission, within its sole discretion, to employ and set the salaries of such clerical assistants as the tax assessor, tax collector and probate judge may recommend for their respective offices.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 628, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Mr. Sparks (with notice and proof):

H. 637. Relating to Cullman County; to reorganize the structure of the county commission in said county by providing for the election of the county commission by the county at large and prescribing residency requirements for the commissioners from the districts herein defined.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 637, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Mr. Plaster:

H. 652. Relating to counties having a population of not less than 24,000 nor more than 24,800 inhabitants according to the 1970 or any subsequent federal decennial census; to provide additional compensation for the Board of Registrars in an amount to be set by the County Commission, within certain limits; to make the provisions of this act retroactive.

Also:

By Mr. Lee:

H. 47. To provide for additional times when real property may be returned and valued for ad valorem tax purposes in all counties having a population of not less than 115,000 nor more than 150,000 according to the 1970 or any subsequent federal decennial census.

Also:

By Mr. Howard:

H. 651. Relating to all counties having populations of not less than 115,000 nor more than 150,000 according to the 1970 or any subsequent

federal decennial census; authorizing the Alabama Alcoholic Beverage Control Board to permit the sale of draft or keg beer in said county.

Also:

By Messrs. Smith (M) and Higginbotham (with notice and proof):

H. 439. To provide for purging the lists of registered voters in Chambers County; requiring and prescribing the procedure for the re-identification of registered voters; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the re-identification of registered voters; and providing a penalty for willfully making a false statement in connection with re-identification.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 439, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Mr. Smith (J):

H. 671. To provide the county commission in all counties having a population of not less than 21,000 nor more than 22,000 inhabitants according to the 1970 or any subsequent federal decennial census, with authority to employ appraisers, mappers, and clerical personnel to maintain current evaluation of all real property and valuation of personal property within the county.

Also:

By Messrs. Smith (C), Plaster, Brindley, Turnham, Manley, Owens, Carter, Jackson (F), Sasser, Moore (O), Merrill, Smith (B), McCulley, Biddle, Boles, McNees, Williams, Falkenburg, Goodwin, Riddick, Trammell, Holmes (D), White, Lewis, Wyatt, Roberts, Martin, Baker, McMillan, McCluskey, Glass, Smith (J), Holley and Warren:

H. 316. To amend Title 52, Section 215(a4) relating to the determination of the number of teacher units allowed, so that the period for which average daily attendance is required is changed from the school year to the first four scholastic months of any school term and giving this Act retroactive effect.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 593, 317, 437, 628, 637, 652, 47, 651, 439, and 671. To the Committee on Local Legislation No. 1.

H. B. 316. To the Committee on Education.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Manley and Callahan:

H. 717. To direct the Code Commissioner to correct any error which appears in Title 16, Chapter 13, Article 3, Section 16-13-56 of the Manuscript of the Code 1975, which was adopted by Act No. 20, H. 100 of the current session of the Legislature, the section of such manuscript which deals with the determination of the amount of local funds available for purposes of the minimum school program, in order to make this section correctly state the law on this subject.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 717. To the Committee on Judiciary.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment;

By Messrs. Higginbotham, Turnham and Whatley:

H. 91. To authorize each municipality in this state to acquire, finance, establish, own, use, operate, manage and control parks, playgrounds and recreational or athletic areas situated wholly or in part outside of its corporate limits; to provide the conditions upon which a park, playground, or recreational or athletic area may be used or established within the corporate limits or police jurisdiction of another municipality or within a county other than that in which a municipality establishing the same shall be situated; to provide that all authority heretofore and hereinafter granted to municipalities with respect to parks, playgrounds and recreational or athletic areas within the corporate limits of a municipality shall be applicable to and may be exercised by a municipality with respect to any park, playground or recreational or athletic area located wholly or in part outside its corporate limits; to provide that a municipality may join and cooperate with one or more municipalities in acquiring, financing, refinancing, providing, establishing, installing, using and managing parks, playgrounds, and recreational or athletic areas, making the same common to the use of such municipalities and in fixing and charging fees and making rules and regulations for the conduct, management and use thereof and providing that all municipalities shall jointly have the same powers and authorities conferred by the act upon each; to authorize governing bodies of two or more municipalities to establish jointly an authority as a public corporation for the purposes of acquiring, financing, refinancing, providing, establishing, installing, using

of managing parks, playgrounds, and recreational or athletic areas, making the same common to the use of such municipalities or in fixing and charging fees and in making rules and regulations for the conduct, management and use thereof; to provide that neither the act nor anything therein contained shall be construed as a restriction or limitation upon any power which a municipality might otherwise have under any laws of the state.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 91. To the Committee on Local Government.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Baker:

H. 69. To amend Section 5, Act 160, Third Special Session, 1971 Legislature, providing for maintenance of property values and ownership maps in each county after completion of the statewide reappraisal program; providing that the Department of Revenue establish such a program for uniformity of procedures and records; providing that field men involved in classifying property shall have two year experience in appraisal of real property; providing the method for payment of such maintenance appraisal and mapping program. Repeals laws in conflict with this Act.

Also:

By Messrs. Falkenburg, Waggoner and White:

H. 198. A bill to promote the public health of the State of Alabama by safeguarding the financial integrity of health care institutions against malpractice claims; to authorize the establishment, maintenance, administration and operation of any trust established by hospitals or health care units, licensed as such by the State of Alabama, as grantors and as beneficiaries, for the purpose of insuring against general public liability claims based upon acts or omissions of such hospitals or health care units, including without limitation, claims based upon malpractice; to amend Section 12 of Act No. 407, Acts of Alabama, 1971 Regular Session (Section 12, Title 28A, Alabama Code of 1940, as amended), and particularly Section 12 thereof so as to exempt such insurance trust operations from all of the provisions of that title and of the Alabama Insurance Code; to limit the obligations and liabilities of any hospital or health care unit participating in such a trust to the obligation to pay the contributions required of it by any trust agreement to which it is a party; and to provide that this act shall apply to and shall confer all rights, privileges, exemptions and immunities upon any trust established for the purposes contemplated by this act, and the grantors, members, beneficiaries, participants and trustees thereof, whether such trust was established before or after the effective date of this act.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 69. To the Committee on Finance and Taxation.

H. B. 198. To the Committee on Judiciary.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Gafford and Callahan:

H. 33. Relating to certain positions in the State Department of Revenue, providing that the salaries to be paid to such positions shall be the same as that paid to the positions of Attorney III Supervisor.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 33. To the Committee on Finance and Taxation.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Moore (W):

H. J. R. 106. DIRECTING THE BUILDING COMMISSION TO STUDY THE FEASIBILITY OF CONSTRUCTING A BUILDING TO HOUSE THE HIGHWAY DEPARTMENT AND CONVERTING THE PRESENT BUILDING FOR LEGISLATIVE AND OTHER DEPARTMENTAL USE, AND TO CONSIDER BUYING AND HOLDING ADDITIONAL PROPERTY FOR FUTURE USE.

WHEREAS, the State of Alabama already owns property near or adjacent to buildings currently in use by the State Highway Department; and

WHEREAS, the Highway Department can function and perform their duties equally as well away from the Capitol Complex as they do now in their present location, but legislative offices and some other state departments, by virtue of the services they perform, must and should be located in close proximity to the Capitol; and

WHEREAS, should additional property be needed in the future by the Highway Department, it is only logical and fiscally responsible that

property be purchased in an area where property values are much lower than those in the downtown or Capitol area; and

WHEREAS, a bill is now pending in the Senate that would create the Alabama Capitol Building Authority and empower such Authority to purchase property located East of the Capitol and bounded by Washington and Monroe Avenues to be used by the Legislature; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we direct the Building Commission to study the feasibility of constructing a building to house the Highway Department on state-owned property where the highway shops are now located, and convert the present Highway Department building for use by the Legislature and by other state departments that need to remain close to the Capitol Complex but are currently located in buildings leased from private owners. The Building Commission shall consider the state's buying the property East of the Capitol, between Washington and Monroe, and using any suitable buildings thereon as a source of rental income for the state until such property is needed for building purposes. If, however, said buildings are unusable, the state shall be authorized to demolish them and hold this property for use as needed in the future to expand the Capitol Complex for departments needing close physical access to the Capitol.

RESOLVED FURTHER, That the Building Commission shall report their findings and conclusions to the Legislature on the opening day of the next Regular Session.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The Resolution, H. J. R. 106, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Killian:

H. J. R. 109. CREATING A PERMANENT ADVISORY COMMISSION KNOWN AS THE DEKALB COUNTY ROAD AND BRIDGE ADVISORY BOARD TO DEVELOP PLANS FOR ROAD IMPROVEMENTS IN DEKALB COUNTY.

WHEREAS, DeKalb County is a densely populated rural area which has more road mileage than any other county in the State of Alabama, excepting Jefferson County; and

WHEREAS, more than one-half of the roads in DeKalb County are unpaved; and

WHEREAS, due to many factors, the roads of DeKalb County are in great state of disrepair causing great inconvenience and problems for the citizens of this county; and

WHEREAS, there is an urgent need for developing plans for the betterment of roads in DeKalb County; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a permanent advisory commission known as the DeKalb County Road and Bridge Advisory Board to develop plans for the betterment of roads in DeKalb County. Such board shall be composed of two (2) persons from each of the four commission districts of DeKalb County, two (2) employees or former employees of the State Highway Department, one (1) engineer, one (1) attorney, one (1) rural mail carrier and one (1) school bus driver. All members of said board shall be appointed jointly by the members of the DeKalb County Legislative Delegation. Such members shall serve without compensation.

The board herein created will be charged with the responsibility of making recommendations on how to improve the overall road program in DeKalb County, including developing both short and long range plans for road development, studying revenue and grant possibilities from all sources, analyzing various methods for more effective use of available revenues, and, in general, advising the DeKalb County Legislative Delegation in all matters relative to improvement of the road program in said County.

Said board shall, upon its first meeting, and any meeting thereafter, promulgate rules and procedures for conducting its business. Such board shall elect officers from among its members including a chairman, vice chairman, and secretary.

Board meetings shall be held at least once quarterly at a time and place designated by the chairman and on such other occasions as the board shall deem necessary. Following each meeting the secretary of said board shall submit a written report to the members of the DeKalb County Legislative Delegation and to the chief engineer of the State Highway Department in DeKalb County, Alabama.

The DeKalb County Commission is hereby authorized, but not required, to provide mapping equipment, office supplies, and a meeting place for the DeKalb County Road and Bridge Advisory Board.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The Resolution, H. J. R. 109, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Turnham:

H. J. R. 113. WHEREAS, Mr. E. L. Mayton served with distinction for 28 years as the first and only superintendent of Auburn University Agricultural Experiment Station's Piedmont Substation until his retirement in 1973; and

WHEREAS, Mr. Mayton's outstanding work in the establishment of this agricultural research station in Tallapoosa County contributed much to the agricultural progress in this region of our State; and

WHEREAS, Mr. Mayton made valuable contributions to agriculture in Alabama through his service as a teacher and researcher in the Department of Agronomy and Soils, Auburn University, from June 1, 1929, until January 1, 1945; and

WHEREAS, this graduate of Auburn University in the class of 1929 has exhibited untiring loyalty and devotion to his alma mater throughout the years, and has by his tireless support of agriculture and agricultural research contributed immeasurably to the furtherance of this State; and

WHEREAS, the Auburn University Board of Trustees has unanimously recommended the naming of the Office-Auditorium Building at the Piedmont Substation for Mr. Mayton; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that in recognition of the devotion and outstanding service of Mr. Mayton to Auburn University and to the people of the Piedmont Area and the State of Alabama, that the building be designated, named, and known as the E. L. Mayton Auditorium.

BE IT FURTHER RESOLVED that copies of this resolution be sent to Mr. Mayton and members of his family and to Auburn University for its records.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The Resolution, H. J. R. 113, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

#### FURTHER CONSIDERATION OF S. B. 62

The Senate proceeded to further consideration of the Bill, S. B. 62, as amended.

#### ADJOURNMENT

At 3:50 P.M., on motion of Mr. Powell, in accordance with Joint Resolution heretofore adopted, and pending further consideration of the Bill, S. B. 62, the Senate adjourned until Thursday, March 3, 1977, at 8:30 A.M.

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#### TENTH LEGISLATIVE DAY

THURSDAY, MARCH 3, 1977

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.



## PRAYER

The Session was opened with prayer by the Reverend Oliver Scott, Pastor, Dexter Avenue United Methodist Church, Montgomery, Alabama.

## ROLL CALL

Present:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, King, Little, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop.

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## JOURNAL

On motion of Mr. Owen, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Ninth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

U. W. CLEMON,  
Acting Chairman.

## COMMITTEE REPORT

On motion of Mr. Clemon, the foregoing report was concurred in and the Journal of the Senate for the Ninth Legislative Day was approved by the Senate.

## LEAVE OF ABSENCE

On motion of Mr. Owen, leave of absence was granted Messrs. Jones, Littleton, and Wilson for today.

## RESOLUTIONS

Mr. Owen offered the following Senate Joint Resolution, to-wit:

S. J. R. 266. WHEREAS, The State of Alabama is privileged to have as its guest on Thursday, March 3, 1977, the distinguished Admiral James L. Holloway, III, United States Chief of Naval Operations; and

WHEREAS, The Legislature of Alabama will benefit greatly from the remarks and counsel of the Admiral with regard to the current military capability of the Nation; now, therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Senate and House

of Representatives respectfully welcome Admiral Holloway to address its full membership in a joint session on Thursday, March 3, 1977, at 2:00 p.m.

On motion of Mr. Owen, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Mitchell offered the following Senate Joint Resolution, to-wit:

S. J. R. 267. TO NAME THE NATIONAL GUARD ARMORY TO BE CONSTRUCTED IN LUVERNE, ALABAMA, "FORT JAMES DOUGLAS FINLAY".

WHEREAS, Lt. Colonel James Douglas Finlay, who died on May 29, 1965, came from a distinguished military family with both his paternal and maternal grandfathers having served in the Confederate States Army, and two brothers in the United States Navy during World War I, one of whom served in the Navy over twenty years; and

WHEREAS, Colonel Finlay, himself, served for more than 21 years with both the National Guard and, actively, with the United States Army between 1922 and 1945; and

WHEREAS, his association with the National Guard began with his enlistment in 1922; he was commissioned in 1927 and continued to serve until February, 1941, at which time he was called to active duty, serving with distinction until his release from service with the rank of Lt. Colonel; and

WHEREAS, Colonel Finlay was well qualified as a commanding officer, in which capacities he served, having attended Artillery School at Fort Sill, Oklahoma and Coast Artillery School at Fort Monroe, Virginia; his battles and campaigns authorized for him bronze stars for the East Indies, the PAPVAN and the New Guinea Campaigns, while his decorations and citations included the Asiatic Pacific Theater Ribbon and Medal, the American Theater Medal, the American Defense Service Ribbon and Medal, and the Distinguished Unit Badge; and

WHEREAS, the National Guard Unit which he commanded and served so well held their annual reunion on February 12, 1977, and those present voted unanimously to express their desire that the new National Guard Armory in Luverne be named in honor of James Douglas Finlay; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby designate the National Guard Armory to be constructed on Glenwood Road in Luverne, Alabama, "Fort James Douglas Finlay," and direct the Armory Commission to cause appropriate signs and markers to be erected and maintained in so designating said National Guard Armory.

On motion of Mr. Mitchell, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Miller and Little offered the following Senate Joint Resolution, to-wit:

S. J. R. 268. CONGRATULATING AND COMMENDING THE ANDALUSIA HIGH SCHOOL FOOTBALL TEAM.

WHEREAS, the Andalusia High School Bulldogs, jointly with the Athens High Golden Eagles, held the class 3A State Championship; and

WHEREAS, this past season's outstanding team merely continued the fabulous winning streak which began in 1972 for the Andalusia Bulldogs with not a single defeat in 41 straight games of regular season play; and

WHEREAS, such an enviable record is due in large part to the expert coaching abilities and all-out efforts of Head Coach Don Sharpe, and Assistant Coaches Gwin Burket, Felix Boswell, Richard Robertson and Tommy Eiland; also to the exceptional talent and will-to-win spirit displayed by all the players and managers, with the teams exhibiting good sportsmanship and fair play throughout every game as they continued to win graciously year after year; and

WHEREAS, much credit is further due to the support and encouragement afforded the team by their excellent cheerleaders, the Quarterback Club, their tremendous band, loyal student body and other fans; in great measure to administrative and faculty support of all Andalusia High Athletic endeavors by Superintendent Oscar Zennah, members of the Andalusia City Board of Education, Dr. Ed Richardson, Principal, and Assistant Principal Clayton Bryant; and

WHEREAS, a milestone has been reached as the graduates of this year's senior class of '77 have never seen their school team lose a regular season game since they have attended Andalusia High; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do heartily congratulate the Andalusia High School Football Team for their Class 3A State Championship and for their laudable record since 1972 of 41 regular season games without a loss.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to each of the coaches, and a copy to the Principal, Dr. Ed Richardson, on behalf of the team and the entire student body.

On motion of Mr. Miller, the Rules were suspended and the Resolution was adopted by the Senate.

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 269. RESOLVED by the Senate that the following resolutions and bills shall be the paramount and continuing order of business immediately upon the adoption of the resolution for the 10th Legislative Day and for each day thereafter until disposed of:

Bill No.	Page No.	Description
S. B. 264	15	Investment bill—Insurance Dept.
S. B. 266	15	Supervision bill—Insurance Dept.
S. B. 458	38	Public Utilities

All uncontested local bills.

### INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Messrs. Ellis, Perloff, and Adams:

S. 607. To provide for a consolidation of the Alabama Energy Advisory Council and the Alabama Energy Management Board into one permanent state agency to be called the Alabama Energy Management Agency; to provide for definitions; to create a legislative energy commission and to prescribe its duties; to provide for a director of the Energy Management Agency and his duties and powers; to provide for the promulgation of rules and regulations by the director to establish certain energy use standards; to provide for certain penalties for the enforcement of certain rules and regulations; and to make certain appropriations from the general fund.

Committee on State Government.

By Messrs. Ellis, Perloff, and Adams:

S. 608. To allow county governments, municipal governments or consortium thereof to create Resource Recovery Boards and prescribe their powers, functions and duties.

Committee on State Government.

By Mr. King:

S. 609. To exempt The Huntsville-Madison County Rescue Squad, Inc., from the payment of state, county or municipal sales or use taxes.

Committee on Finance and Taxation.

By Mr. Waldrop:

S. 610. Relating to the retaining of attorneys in Workmen's Compensation cases, and to attorney fees and costs awarded in Workmen's Compensation cases; amending Section 261 of Title 26, Code of Alabama of 1940, as last amended, to provide for the retaining of an attorney and for the award of reasonable attorney fees in addition to the compensation paid to the workmen or dependents, and to provide that certain expenses of litigation shall be taxed as costs.

Committee on Business and Labor Relations.

By Mr. Adams:

S. 611. To amend the Alabama School Code Title 52, Section 351 (1953, p. 1050) to redefine classroom teacher.

Committee on Finance and Taxation.

By Mr. Roberts:

S. 612. To amend further Section 10 of Act No. 651, S. 524, Regular Session 1976, which relates to the qualifications, election, compensation and duties of the coroner of any county having a population of not less than 300,000 nor more than 600,000, according to the 1970 or any subsequent Federal decennial census.

Committee on Local Legislation No. 1.

By Mr. Roberts:

S. 613. To provide that procedural and substantive rights be accorded law enforcement officers of all counties having populations of not

less than 300,000 nor more than 600,000 according to the most recent Federal decennial census; defining the right to counsel secured by the Sixth Amendment of the United States Constitution and procedural due process rights of hearings conducted to determine alleged misconduct of any officer; providing for access to records pertaining to fitness for duty and amendment of records pertaining to fitness for duty; providing for the processing of grievances and complaints against law enforcement officers; and providing that any law enforcement officer may bring a civil action for damages suffered while on official duty in all counties having populations of not less than 300,000 nor more than 600,000 according to the most recent Federal decennial census.

Committee on Local Legislation No. 1.

By Messrs. Mims, Vacca, Edwards, King and Owen:

S. 614. To amend Sections 206, 207, 211 and 223, and all other sections of Chapter 7 of Title 22, Code of Alabama 1940, as amended, wherein the words or word "Alabama Dairy Commission" or the "Commission" appear, in order to provide for the abolishment of the Alabama Dairy Commission; to provide for the establishment and definition of the Milk Stabilization Council; to abolish wholesale and minimum retail milk price controls; to require the bidding of all milk sold for consumption in the public schools of Alabama; to continue in effect existing milk rules, regulations and orders of the predecessor Alabama Dairy Commission subject to review and action by the Milk Stabilization Council upon its appointment; and to provide for the repeal of all laws in conflict with this Act and establish the manner of taking effect of this Act.

Committee on Agriculture.

By Mr. Peden:

S. 615. To repeal Section 8 of Act No. 1695, H. 2263, 1971 Regular Session (Acts of 1971, p. 2852), entitled, "An Act Relating to all counties having a population of not less than 65,500 nor more than 75,200 inhabitants according to the most recent or any subsequent federal decennial census, to create a Civil Service Board in said counties to assure the more efficient operation of the Sheriff's Department; to provide for the composition powers, duties, and compensation for such boards; and to establish certain employee management policies for the Sheriff's Department in said counties."

Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Manley, McCorquodale, Robertson, Plaster, Kinsey, Smith (C), Merrill, Williams, Warren, Morris, Naramore, Owens, Campbell, Baker, Crawford, Cates, Carothers, Pegues, Wyatt, Folmar, Smith (J), Moore (O), McMillan, Higginbotham, Whatley, McNees, Rich, Lutz, Crowe, Kelley, Johnstone, Hines, Clark, Brindley, Moore (W), Edwards, Smith (M), Holley, Glass, Shelton, Dial, Venable, Killian and Sparks:

H. 350. Proposing an amendment to further amend Article XI, Section 217, of the Constitution of Alabama 1901 relative to ad valorem taxation; further providing for the assessment of taxable property and the levy of such tax.

Also:

By Messrs. Manley, McCorquodale, Robertson, Plaster, Kinsey, Smith (C), Merrill, Williams, Warren, Morris, Naramore, Owens, Campbell, Baker, Crawford, Carothers, Cates, Folmar, Pegues, Wyatt, Smith (J), Moore (O), McMillan, Higginbotham, Whatley, McNees, Rich, Lutz, Crowe, Kelley, Johnstone, Hines, Clark, Brindley, Moore (W), Edwards, Smith (M), Holley, Glass, Shelton, Dial, Venable, Killian and Sparks:

H. 351. To amend Section 46, Title 51, Code of Alabama 1940, relating to the assessment of taxes so as to further provide for estimating the value of taxable property.

Also:

By Messrs. Manley, Cates, Whatley, Dial and Edwards:

H. 352. To amend Section 15, Title 51, Code of Alabama, 1940 (Recomp. 1958), to increase the homestead exemption from \$2,000 to \$5,000, such exemption being applicable to all state ad valorem taxes.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 350, 351, and 352. To the Committee on Finance and Taxation.

(The above Bill, H. B. 350, was read a first time at length as required by the Constitution.)

### RESOLUTIONS

Mr. Waldrop offered the following Senate Joint Resolution, to-wit:

S. J. R. 260. MOURNING THE DEATH OF WAYNE M. LOWE.

WHEREAS, the Legislature of Alabama has noted with deep regret the death of Mr. Wayne Marshall Lowe on Monday, January 31, 1977, in Gadsden, Alabama; and

WHEREAS, Mr. Lowe was a native of DeKalb County and a resident of Etowah County for a number of years, a veteran of World War II, and was a retired car dealer in his community; and

WHEREAS, he was a member of the Cherry Street Baptist Church and the American Legion Post No. 71 and was a respected member of his community who was devoted to his family and known for his willingness to help others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA,

**BOTH HOUSES THEREOF CONCURRING**, That we are deeply grieved by the death of Wayne Marshall Lowe and extend our heartfelt sympathy to his family.

**BE IT FURTHER RESOLVED**, That a copy of this resolution be sent to his wife, Mrs. Mavis Traylor Lowe, and his family to make evident to them the sense of loss we feel.

On motion of Mr. Waldrop, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Waldrop offered the following Senate Joint Resolution, to-wit:

**S. J. R. 261. MOURNING THE DEATH OF MELVIN CAMP KILPATRICK.**

**WHEREAS**, the Legislature of Alabama regretfully has been informed of the death of Mr. Melvin Camp Kilpatrick of Gadsden on Tuesday, February 22, 1977, in Birmingham, Alabama; and

**WHEREAS**, Mr. Kilpatrick was a native and lifelong resident of Etowah County who was retired at the time of his death, after thirty years of service with the Alabama Farm Bureau Insurance Company; and

**WHEREAS**, he was actively and deeply involved in the religious, civic and business affairs of his community through membership in Bellevue Baptist Church, as a member of the Walnut Grove Masonic Lodge, on the Board of Directors of the First State Bank of Altoona and the Board of Directors of the Etowah County Farm Bureau; and

**WHEREAS**, Mr. Kilpatrick will be deeply and sadly missed by all who were privileged to know him and long remembered by them as a man of uncommon ability who devoted much of his time and energy to fulfilling the needs of his community; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING**, That we deeply mourn the death of Melvin Camp Kilpatrick and express our sincere sympathy to his widow, Mrs. Maudie Roberts Kilpatrick, to his daughter, Mrs. Edwina Cooper of Gadsden, and other family members to whom copies of this resolution shall be sent.

On motion of Mr. Waldrop, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Waldrop offered the following Senate Joint Resolution, to-wit:

**S. J. R. 262. MOURNING THE DEATH OF ERVIN A. PHILLIPS.**

**WHEREAS**, the Alabama Legislature was deeply saddened to learn of the death of Mr. Ervin A. Phillips on Tuesday, February 1, 1977, in Gadsden, Alabama; and

**WHEREAS**, Mr. Phillips was a native and lifelong resident of Gadsden, a veteran of World War II, and was associated with Phillips Supply Company, Modern Table, Incorporated and National Equipment Company, thereby contributing greatly to the business and economic viability of his community and area; and

**WHEREAS**, further he was involved deeply in other areas through

active participation as member and deacon of the First Baptist Church of Gadsden, and through membership in Masonic Lodge No. 236 F and AM and the Zamora Temple; and

WHEREAS, Mr. Phillips was a contributing citizen of great ability, and of complete and unquestioned integrity, who will be sorely missed by his family, associates and many friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do grievously mourn and deeply regret the death of Ervin A. Phillips and extend our sincere sympathy to his family.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to his wife, Mrs. May Emma Phillips, and family that they may know of our regret.

On motion of Mr. Waldrop, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Waldrop offered the following Senate Joint Resolution, to-wit:

S. J. R. 263. HONORING MACK GARRETT FOR OUTSTANDING SERVICE IN THE FIELD OF LAW ENFORCEMENT.

WHEREAS, Mack Garrett, considered by many to be a legend in his own time, is Sheriff of Cherokee County, has been in office for more than thirty years, and was once honored as the Dean of Alabama Sheriffs to show appreciation for his dedication and long tenure; and

WHEREAS, Sheriff Garrett, who also is a past president of the Alabama Sheriffs' Association and of the Alabama Peace Officers' Association, is known and highly praised statewide for his remarkable feats of law enforcement, the apprehension of dangerous criminals, and for solving crimes, many of which have baffled the "experts;" and

WHEREAS, This 6' 3" 235-pound law officer is considered to be fearless by all who know him, and has gained the respect and admiration of the citizens of Cherokee County, his fellow sheriffs and other law enforcement officers throughout the entire state of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do highly commend Sheriff Mack Garrett for outstanding service and for his diligence, dedication and singularity of purpose in crime prevention and control, and in bringing criminals to justice, thereby protecting the citizens of his county and state.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Sheriff Garrett that he may know of our esteem.

On motion of Mr. Waldrop, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Waldrop offered the following Senate Joint Resolution, to-wit:

S. J. R. 264. Commending Joseph Faulkner, Community Service Award Recipient.

WHEREAS, The Legislature of Alabama has noted that Joseph



Faulkner of Gadsden, Alabama was the recent recipient of the first annual Community Service Award presented by the Etowah County Council of Community Services which was presented to him by Ray Crowder, council president, citing Faulkner for his work in bringing about "the smooth transition from segregation to integration in the community and for his active role in beneficial organizations and agencies;" and

WHEREAS, Joseph Faulkner, who is executive director of the Etowah County Chapter, NAACP, is active also in the Boy's Club, the new Runaway House for boys, the Fellowship House, and the proposed Halfway House for female alcoholics planned by the Regional Alcoholism Council; and

WHEREAS, he was cited further for his work with the CED Mental Health Center, the Etowah County Mental Health Association, the Gadsden Labor Council, the Head Start Program, the Red Cross, Downtown Action Council, ANCHOR referral agency and the RSVP Advisory Council; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend and honor Joseph Faulkner for outstanding community service and for having received the first annual award of the Etowah County Council of Community Services.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Faulkner as a token of our esteem.

On motion of Mr. Waldrop, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Waldrop offered the following Senate Joint Resolution, to-wit:

S. J. R. 265. COMMENDING THE WESTMINSTER CHRISTIAN HIGH SCHOOL BASKETBALL TEAM FOR THEIR CHAMPIONSHIP VICTORY.

WHEREAS, the Westminster Crusaders captured the sixth annual John Brown University National Christian Basketball tournament, February 18, 1977, in Siloam Springs, Arkansas, with a 46-42 triumph over defending champions, Oak Haven of Memphis, Tennessee; and

WHEREAS, the entire team of Westminster Christian High School of Gadsden, Alabama, played brilliantly, "the best we have all year," according to Head Coach Lavan Parker, leading all the way through the third quarter, to fall behind early in the fourth quarter, but came back and regained the lead for good with 2:51 to play; and

WHEREAS, Coach Parker is due much credit for the high degree of technical skill displayed by his team, both the offense and the defense, and for their fine spirit and will to win which is necessary for a championship team; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily congratulate and commend the Westminster Christian High School basketball team for winning the John Brown University National Christian basketball tournament, and direct that copies of this resolution be sent to Head Coach Lavan Parker and to each member of the team.

On motion of Mr. Waldrop, the Rules were suspended and the Resolution was adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Carter:

H. J. R. 110. NAMING THE CHAPEL AT ATHENS STATE COLLEGE THE "CHAPEL OF PI TAU CHI."

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Waldrop, the Rules were suspended and the Resolution, H. J. R. 110, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

#### FURTHER CONSIDERATION OF S. R. 269

The Senate proceeded to further consideration of the Resolution, S. R. 269.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 10. Relating to Pike County, increasing the pistol permit fee in said county and providing for retroactive effect.

Also:

H. 114. To permit any city in the State of Alabama having a population of not less than 23,000 nor more than 27,000 inhabitants according to the 1970 or any subsequent federal decennial census to adopt the council-manager form of municipal government, to provide for the calling and holding of elections to vote thereon, to provide for the election and term of the first council, to define the legal status, form of government and powers of the city, to provide for subsequent elections of members of the council, their number and their terms of office, to provide for the qualification, powers and authority of the council, the mayor and the city clerk, and for the election of the mayor and city clerk, to provide for the appointment and removal and to define the powers of the city manager, to provide for an annual budget, its preparation, submission, adoption and effect, to create and define the powers and duties of a department of finance and of the director thereof, to regulate purchases and contracts of the city, and to define their powers and authority, to set up the terms and effects of succession in government of any city adopting the council-manager form of government, to provide for the establishment and re-establishment of districts, to make various other provisions for such form

of government of any such city, and to provide for the means of abandoning the council-manager form of government.

Also:

H. 137. To authorize the county commission in all counties having a population of not less than 10,900 nor more than 11,500 inhabitants according to the 1970 or any subsequent federal decennial census to appropriate from the county general fund the necessary funds to adequately support those little league athletic programs directly affiliated with any of the public schools in such counties and to provide retroactive effect for said act.

Also:

H. 212. To authorize the Limestone County Commission to appropriate funds from the Highway Traffic Funds of said county or other funds in the County Treasury for law enforcement purposes in said county, including the payment of the salaries of any deputies that might be employed by the Sheriff of said county.

Also:

H. 393. To permit any bank, having its principal place of business in Repton, Alabama to establish, maintain, and operate, within the limits or boundaries of Conecuh County, a branch or additional office or place of business, subject to the approval of the state superintendent of banks.

Also:

H. 507. To amend Section 4 of Act No. 246, H. 871, 1976 Regular Session (Acts of 1976, p. 281), relating to purging the lists of registered voters in Colbert County and prescribing the procedure for the reidentification of registered voters; so as to increase the compensation paid members of the board of registrars and to make this act retroactive.

Also:

H. 513. Relating to Escambia County, Alabama allowing the municipal governing bodies of the City of Brewton located in such County to determine the closing hours for places selling alcoholic beverages within its city limits and police jurisdiction.

Also:

H. 382. Relating to Clay County; to provide for the total rehabilitation of certain persons, both male and female, convicted of any type crime and sentenced to a term of confinement in the county jail of Clay County.

Also: .

H. 526. Relating to Bibb County; providing for the establishment of a consolidated and unified system of assessing and collecting taxes under one elective county official designated as "county tax assessor and collector"; prescribing the powers, duties, term of office and compensation of said official; providing for the manner of election to the new office; abolishing the offices of tax assessor and tax collector in Bibb County; repealing conflicting laws; and prescribing the effective date of this act.

Also:

H. 527. To amend Section 1 of Act No. 67, H. 11, Second Special Session 1965 (Acts Second and Third Special Sessions 1965, p. 92), fixing the compensation of election officers in Bibb County.

Also:

H. 528. To amend Section 1 of Act No. 87, H. 203, Second Special Session 1965 (Acts Second and Third Special Sessions 1965, p. 117), regulating the pay of the members of the county board of equalization of Bibb County.

Also:

H. 529. To further amend Section 1 of Act No. 258, H. 607, Regular Session 1953 (Acts 1953, p. 325) as amended, which fixes the compensation of the jury commission of Bibb County so as to provide further for the compensation of such commission.

Also:

H. 530. Relating to Bibb County; to provide for the fixing of a fee for the issuance of a pistol permit by the sheriff; and providing for the disposition and use of such fees.

Also:

H. 532. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Centreville, in Bibb County.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 55. MOURNING THE DEATH OF ENSLEY MULLENAX FLANAGAN.

Also:

H. J. R. 67. Mourning the Death of Dr. Kenneth E. Johnson.

Also:

H. J. R. 68. CONGRATULATING THE COACHES AND PLAYERS OF THE MURPHY HIGH SCHOOL PANTHERS FOR THEIR SUPERLATIVE EFFORTS DURING THE 1976 FOOTBALL SEASON.

Also:

H. J. R. 69. HONORING AND CONGRATULATING WILLIAM M. CLARK FOR FORTY YEARS OF MERITORIOUS SERVICE TO SHELBY COUNTY.

Also:

H. J. R. 85. MOURNING THE DEATH OF THE REVEREND OSBORNE SAMUEL HARVEY.

Also:

H. J. R. 91. CITING FOR MERIT DR. BOOKER TILLMAN WHATLEY OF TUSKEGEE INSTITUTE.

Also:

H. J. R. 92. CONGRATULATING THE MORGAN COUNTY HIGH SCHOOL ARCHERY TEAM FOR FIRST PLACE HONORS IN CHAMPIONSHIP COMPETITION.

Also:

H. J. R. 97. COMMENDING THE OXFORD HIGH SCHOOL GIRLS GYMNASTICS TEAM FOR THEIR AWARD WINNING PERFORMANCE IN STATEWIDE COMPETITION.

Also:

H. J. R. 98. COMMENDING THE WEAVER HIGH SCHOOL MARCHING BAND FOR HONORS PARTICIPATION IN NEW ORLEANS' MARDI GRAS.

Also:

H. J. R. 99. CONGRATULATING CHERYL BURGESS, "MISS ALABAMA UNIVERSE."

Also:

H. J. R. 100. COMMENDING WALTER WELLBORN HIGH SCHOOL PANTHERS FOOTBALL TEAM.

Also:

H. J. R. 103. CONGRATULATING REPRESENTATIVE G. J. "DUTCH" HIGGINBOTHAM ON HIS ELECTION TO THE SENATE.

Also:

H. J. R. 104. COMMENDING THE STUDENT GOVERNMENT ASSOCIATION OF BUTLER HIGH SCHOOL, HUNTSVILLE, ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been

publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

#### FURTHER CONSIDERATION OF S. R. 269

The Senate proceeded to further consideration of the Resolution, S. R. 269.

#### RESOLUTIONS

Mr. Powell offered the following Senate Joint Resolution, to-wit:

#### S. J. R. 270. COMMENDING JEREMY MILLS FOR HEROISM.

WHEREAS, on February 27, 1977, during a hike through the woods along the Tallapoosa River in Elmore County, Alabama, Mark Payne, 15 years of age, was crossing a creek bed when he stepped into quicksand and sank to his hips; and

WHEREAS, Mark threw a rope to his companion and nephew, seven year old Jeremy Mills, and had him tie it to a tree; he was unable to pull himself free, and realizing the peril of his situation, he sent Jeremy for help; and

WHEREAS, in spite of approaching darkness, Jeremy and his seven-month old puppy, Ginny, managed to find their way through eight miles of woods along the river; they lost their way several times, yet managed to get back on the right trail, and both boy and dog arrived home soaked from crossing streams; and

WHEREAS, after the Elmore County sheriff had been notified, Jeremy led his grandfather David Payne, back to where Mark was trapped, with it taking two hours to reach him and twenty more minutes to free him from the quicksand; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of such outstanding courage and quick response rarely displayed by one of such young years, we do highly commend Jeremy Mills for bravery in helping to save the life of his uncle, Mark Payne.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Jeremy as a token of our admiration and high esteem.

On motion of Mr. Powell, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Owen offered the following Senate Resolution, to-wit:

#### S. R. 271. REQUESTING AN ADVISORY OPINION OF THE JUSTICES OF THE SUPREME COURT RELATIVE TO THE TERMINATION OF THE DEPARTMENT AND BOARD OF YOUTH SERVICES.

WHEREAS, Alabama S. J. R. 72 from the Sunset Committee will be presented to the Alabama Senate on the 10th Legislative day; and

WHEREAS, Act No. 512, Regular Session 1976, provides for definite "termination dates" for all state agencies as defined in said Act, and including the Department and Board of Youth Services; and

WHEREAS, October 1, 1978, is the termination date designated for "any state agency" existing on the date of the passage of this Act (512) and not specifically listed under Section 3 of Act 512; and

WHEREAS, the Department and Board of Youth Services is not specifically listed for termination in Act 512 and is omitted from said Act; and

WHEREAS, a controversy has arisen as to whether or not the Department and Board of Youth Services can be considered for termination during the current session of the legislature.

NOW THEREFORE BE IT RESOLVED BY THE SENATE OF ALABAMA, That the following question be submitted under Title 13, Section 34, Code of Alabama to the Supreme Court of Alabama for an advisory opinion:

1. "Can the resolution, viz., S. J. R. 72, terminating the Department and Board of Youth Services be considered and voted upon during the 1977 Regular Session of the Legislature?"

RESOLVED FURTHER, That the Secretary of the Senate transmit forthwith upon the passage of this resolution nine copies of the resolution along with nine copies of Act 512 and S. J. R. 72 to the Supreme Court.

On motion of Mr. Owen, the Rules were suspended and the Resolution was adopted by the Senate.

#### FURTHER CONSIDERATION OF S. R. 269

The Senate proceeded to further consideration of the Resolution, S. R. 269.

#### RECESS

At 10:15 A.M., on motion of Mr. Edwards, the Senate took a recess until 11 o'clock A.M.

The recess period having expired, the Senate was called to order by Lieutenant Governor Beasley. A quorum of the Senate was present.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 399. To provide a form of municipal government to be known as the mayor-council form of government, which may be adopted by any city in the State of Alabama having a population of not less than 60,000 nor more than 125,000 according to the last or any succeeding federal or municipal census; to provide the method by which any such city may adopt the mayor-council form of government; to provide for the calling and holding of elections to vote thereon; to define and provide the legal status, form of government and powers of any such city under the mayor-council form of government; to provide as the governing body of such city a city council; to provide for the number of members of the council, their election and terms of office; to provide the functions, duties, powers and authority of the city council; to provide for the election, appointment or designation

of officers and employees of the city and for their qualifications, duties, functions, powers and authority; to provide for the election, term, qualifications and compensation of a mayor and for the filling of vacancies in the office of mayor and to provide the duties and authority of the mayor; to provide for the control of the finances of such city; to provide for an annual budget, its preparation, submission, and adoption and the effect thereof; to create and define the powers, functions, duties and authority of the department of finance and the director of the department of finance; to regulate purchases and contracts of such city; to provide for the terms and effects of succession in government of any city adopting the mayor-council form of government; to make various other provisions for any such city which adopts the mayor-council form of government and for the government thereof; and to provide for the means of abandoning the mayor-council form of government and the adoption by the city of other forms of municipal government in lieu thereof.

JOHN W. PEMBERTON,  
Clerk.

### RESOLUTION

Pursuant to the provisions of Act 512, 1976 Regular Session (the Sunset Act), the hour of 11 o'clock having arrived, the Senate proceeded to consideration of the Sunset Resolutions.

And the President and Presiding Officer called up the Resolution:

**S. J. R. 222. PROVIDING FOR THE TERMINATION OF THE COMMISSION ON INTERGOVERNMENTAL COOPERATION.**

Mr. Baker questioned the President and Presiding Officer's authority to call up S. J. R. 222, and appealed the ruling of the Chair, the vote on said appeal being:

Yeas 3; Nays 28.

Yeas: Messrs. Baker, Edwards, McDonald (S).

—3

Nays:

Messrs. Adams, Bank, Clemon, Ellis, Fine, Gilmore, Goodwin, Higginbotham, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Roberts, St. John, Stewart, Teague, Vacca, Waldrop.

—28

Whereupon, S. J. R. 222 became the order of business of the Senate.

And, on motion of Mr. Owen, said Resolution, S. J. R. 222, was then adopted by the Senate.

Yeas 25; Nays 6.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Gilmore, Higginbotham, King, Little, McDonald (A), McDonald (S), McMillan, Miller, Mims, Noonan, Owen, Pearson, Peden, Perry, Powell, Roberts, St. John, Stewart, Teague.

—25



*Nays:*

Messrs. Clemon, Goodwin, Mitchell, Perloff, Vacca, Waldrop.

—6

### REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Joint Resolutions and Senate Bills delivered to the Governor, with the date and hour of delivery, to-wit:

S. J. R. 22

S. J. R. 240

S. J. R. 17

S. J. R. 18

S. J. R. 19

S. J. R. 21

S. J. R. 23

S. J. R. 235

S. J. R. 236

S. J. R. 11

Delivered to the Governor, February 17, 1977, at 11:20 A.M.

S. J. R. 13

S. J. R. 14

S. J. R. 16

S. J. R. 239

S. J. R. 241

S. J. R. 242

S. J. R. 244

S. J. R. 245

Delivered to the Governor, February 23, 1977, at 2:30 P.M.

S. J. R. 251

S. J. R. 252

S. J. R. 254

S. J. R. 256

S. B. 17

Delivered to the Governor, March 1, 1977, at 2:20 P.M.

McDOWELL LEE,  
Secretary.

## SECRETARY'S REPORT

The following report of the Secretary was read and ordered spread upon the Journal.

## ADJOURNMENT

At 1:05 P.M., Mr. Adams moved that the Senate take a recess until 2 o'clock this afternoon, at which time the Legislature will convene in Joint Session to hear the address of Admiral Holloway, and further moved that at the completion of the Joint Session, the Senate adjourn until Tuesday, March 8, 1977, at 9 o'clock A.M.

Mr. Baker offered a substitute motion that the Senate take a recess until 3 o'clock this afternoon, which motion was lost.

Yeas 5; Nays 26.

*Yeas:* Messrs. Baker, Edwards, Ellis, Roberts, Stewart.

— 5

*Nays:*

Messrs. Adams, Bank, Clemon, Fine, Gilmore, Goodwin, Higginbotham, King, Little, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, St. John, Teague, Vacca, Waldrop.

— 26

The question was then on the motion offered by Mr. Adams, which was adopted.

Yeas 16; Nays 14.

*Yeas:*

Messrs. Adams, Clemon, Fine, Gilmore, Goodwin, McDonald (S), Miller, Mims, Owen, Pearson, Peden, Perloff, Perry, Powell, St. John, Teague.

— 16

*Nays:*

Messrs. Baker, Edwards, Ellis, Higginbotham, King, Little, McDonald (A), McMillan, Mitchell, Noonan, Roberts, Stewart, Vacca, Waldrop.

— 14

And at 2:30 P.M., following the Joint Session, in accordance with Joint Resolution heretofore adopted, pending further consideration of S. R. 269 and S. B. 62, the Senate adjourned until Tuesday, March 8, 1977, at 9 o'clock A.M.

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ELEVENTH LEGISLATIVE DAY

TUESDAY, MARCH 8, 1977

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

## PRAYER

The Session was opened with prayer by the Honorable Maston Mims, 31st Senatorial District.

## ROLL CALL

Present:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—34

## JOURNAL

On motion of Mr. Owen, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Tenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

OBIE J. LITTLETON,  
Acting Chairman.

## COMMITTEE REPORT

On motion of Mr. Littleton, the foregoing report was concurred in and the Journal of the Senate for the Tenth Legislative Day was approved by the Senate.

## LEAVE OF ABSENCE

On motion of Mr. Owen, leave of absence was granted Mr. Jones for today.

## RESOLUTIONS

Pursuant to the provisions of Act 512, 1976 Regular Session, the Senate proceeded to consideration of the Sunset Resolutions.

And the President and Presiding Officer called up the Resolution:

S. J. R. 87. PROVIDING FOR THE CONTINUED EXISTENCE OF THE AIR POLLUTION CONTROL COMMISSION.

On motion of Mr. Owen, said Resolution, S. J. R. 87, was then adopted by the Senate.

Yeas 24; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Powell, Roberts, St. John, Vacca.

—24

*Nays:*

—0

The President and Presiding Officer then called up the Resolution:

S. J. R. 205. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ETHICS COMMISSION.

On motion of Mr. Owen, said Resolution, S. J. R. 205, was then adopted by the Senate.

Yeas 27; Nays 7.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Gilmore, Goodwin, Higginbotham, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Pearson, Peden, Perry, Powell, Roberts, St. John, Shelby, Stewart, Vacca.

—27

*Nays:*

Messrs. Clemon, Fine, Owen, Perloff, Teague, Waldrop, Wilson.

—7

COMMUNICATIONS FROM THE SUPREME COURT  
THE STATE OF ALABAMA—JUDICIAL DEPARTMENT  
THE SUPREME COURT OF ALABAMA  
OCTOBER TERM, 1977-78

To the Members of the Senate  
State Capitol  
Montgomery, Alabama 36130

Gentlemen:

We acknowledge receipt of Senate Resolution No. 257 by Senator Perloff concerning Act No. 512, Regular Session 1976, the Sunset Act, relative to whether state agencies which are not specifically listed under Section 3 of Act No. 512, may be considered for termination or continuance during the Regular Session of the Legislature 1977, under the provisions of that Act.

After perusing this request, we are constrained to respectfully point out that this Court is restricted by statute of answering questions of an advisory nature solely upon important constitutional questions. Title 13, § 34, Alabama Code; Opinion of the Justices, 286 Ala. 156, 238 So.2d 326 (1970); Opinion of the Justices, 280 Ala. 692, 198 So.2d 269 (1967). Accordingly, we regret that we must decline to respond to the question submitted to us as we perceive no constitutional issue therein.

Moreover, we respectfully point out that the section of the Alabama Code authorizing us to issue advisory opinions does not authorize opinions on legislation already having been enacted by the legislature. Opinion of the Justices, 264 Ala. 452, 88 So.2d 778 (1956).

Therefore, we respectfully decline to respond to the advisory opinion request.

Respectfully submitted,

C. C. TORBERT,  
Chief Justice

JAMES N. BLOODWORTH

HUGH MADDOX

JAMES H. FAULKNER

RENEAU P. ALMON

JANIE L. SHORES

ERIC EMBRY

SAM A. BEATTY

Associate Justices

THE STATE OF ALABAMA—JUDICIAL DEPARTMENT

THE SUPREME COURT OF ALABAMA

OCTOBER TERM, 1976-77

To the Members of the Senate  
State Capitol  
Montgomery, Alabama 36130

Gentlemen:

We are in receipt of Senate Resolution No. 271 by Senator Owen dated March 3, 1977, which requests our opinion as to the following question:

“ ‘Can the resolution, viz., S. J. R. 72, terminating the Department and Board of Youth Services be considered and voted upon during the 1977 Regular Session of the Legislature?’ ”

Because Title 13, § 34, Alabama Code, limits our authority to render advisory opinions to matters involving important constitutional questions, and further, because we cannot answer questions relating to legislation already in effect, all as set out in the response to Senate Resolution No. 257, submitted this date, we must respectfully decline to answer the question presented to us.

Respectfully submitted,

C. C. TORBERT,  
Chief Justice

JAMES N. BLOODWORTH

HUGH MADDOX

JAMES H. FAULKNER

RENEAU P. ALMON

JANIE L. SHORES

The foregoing communications from the Supreme Court of Alabama were read and ordered spread upon the Journal.

### RECESS

At 10:55 A.M., on motion of Mr. Owen, the Senate took a recess until 1 o'clock this afternoon.

The recess period having expired, the Senate was called to order by Lieutenant Governor Beasley. A quorum of the Senate was present.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By the Sunset Committee:

H. J. R. 177. PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE BOARD OF EXAMINERS OF SPEECH PATHOLOGY AND AUDIOLOGY.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the State Board of Examiners of Speech Pathology and Audiology; and

WHEREAS, following a review and evaluation relative to the continued existence of the State Board of Examiners of Speech Pathology and Audiology, the committee voted to recommend the continued existence of the State Board of Examiners of Speech Pathology and Audiology; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the State Board of Examiners of Speech Pathology and Audiology, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 177, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 28; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, King, Little, Littleton, McDonald (A), McMillan, Mims,

Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Powell, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop.

—28

*Nays:*

—0

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By the Sunset Committee:

**H. J. R. 181. PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE BOARD OF VETERINARY MEDICAL EXAMINERS.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the State Board of Veterinary Medical Examiners; and

WHEREAS, following a review and evaluation relative to the continued existence of the State Board of Veterinary Medical Examiners, the committee voted to recommend the continued existence of the State Board of Veterinary Medical Examiners; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That the State Board of Veterinary Medical Examiners, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 181, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, King, Little, Littleton, McDonald (A), Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop.

—30

*Nays:*

—0

### RESOLUTION

The President and Presiding Officer then called up the Resolution:

**S. J. R. 203. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BOXING AND WRESTLING COMMISSION.**

On motion of Mr. Owen, said Resolution, S. J. R. 203, was then adopted by the Senate.

Yeas 32; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, King, Little, Littleton, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—32

*Nays:*

—0

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By the Sunset Committee:

**H. J. R. 182. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ENTOMOLOGISTS, HORTICULTURISTS, FLORICULTURISTS, AND TREE SURGEONS.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Entomologists, Horticulturists, Floriculturists, and Tree Surgeons; and

WHEREAS, following a review and evaluation relative to the continued existence of the Entomologists, Horticulturists, Floriculturists, and Tree Surgeons, the committee voted to recommend the continued existence of the Entomologists, Horticulturists, Floriculturists, and Tree Surgeons; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Entomologists, Horticulturists, Floriculturists, and Tree Surgeons, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 182, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 32; Nays 0.



*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, King, Little, Littleton, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—32

*Nays:*

—0

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By the Sunset Committee:

#### H. J. R. 207. PROVIDING FOR THE CONTINUED EXISTENCE OF THE COSMETOLOGY BOARD.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Cosmetology Board; and

WHEREAS, following a review and evaluation relative to the continued existence of the Cosmetology Board, the committee voted to recommend the continued existence of the Cosmetology Board; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Cosmetology Board, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 207, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 31; Nays 0.

Abstaining 1.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, King, Little, Littleton, McDonald (A), McMillan, Miller, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—31

*Nays:*

—0

*Abstaining:* Mr. Mims.

—1

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By the Sunset Committee:

**H. J. R. 162. PROVIDING FOR THE CONTINUED EXISTENCE OF THE LIQUEFIED PETROLEUM GAS BOARD.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Liquefied Petroleum Gas Board; and

WHEREAS, following a review and evaluation relative to the continued existence of the Liquefied Petroleum Gas Board, the committee voted to recommend the continued existence of the Liquefied Petroleum Gas Board; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That the Liquefied Petroleum Gas Board, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 162, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 31; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, King, Little, Littleton, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

— 31

*Nays:*

— 0

## RESOLUTION

The President and Presiding Officer then called up the Resolution:

**S. J. R. 216. PROVIDING FOR THE CONTINUED EXISTENCE OF THE JOINT INTERIM COMMITTEE ON FINANCE AND TAXATION.**

On motion of Mr. Owen, said Resolution, S. J. R. 216, was then adopted by the Senate.

Yeas 31; Nays 1.

*Yeas:*

Messrs. Adams, Bank, Edwards, Fine, Gilmore, Goodwin, Higginbotham, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—31

*Nay:* Mr. Baker.

—1

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By the Sunset Committee:

#### H. J. R. 132. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA SECURITIES COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Securities Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama Securities Commission, the committee voted on October 19, 1976, to recommend the continued existence of the Alabama Securities Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Securities Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 132, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 33; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—33

*Nays:*

—0

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By the Sunset Committee:

H. J. R. 160. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BOARD OF APPEALS.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Board of Appeals; and

WHEREAS, following a review and evaluation relative to the continued existence of the Board of Appeals, the committee voted to recommend the continued existence of the Board of Appeals; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Board of Appeals, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 160, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 31; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Powell, Roberts, St. John, Shelby, Stewart, Vacca, Waldrop, Wilson.

—31

*Nays:*

—0

## RESOLUTION

The President and Presiding Officer then called up the Resolution:

S. J. R. 30. PROVIDING FOR THE CONTINUED EXISTENCE OF THE EXAMINERS OF PUBLIC ACCOUNTS.

On motion of Mr. Owen, said Resolution, S. J. R. 30, was then adopted by the Senate.

Yeas 31; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Ellis, Fine, Gilmore, Goodwin, Higginbotham, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Vacca, Waldrop, Wilson.

—31

*Nays:*

—0

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By the Sunset Committee:

**H. J. R. 129. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ADVISORY COUNCIL.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Advisory Council; and

WHEREAS, following a review and evaluation relative to the continued existence of the Advisory Council, the committee voted on October 19, 1976, to recommend the continued existence of the Advisory Council; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That the Advisory Council, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 129, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 29; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Goodwin, Higginbotham, King, Little, Littleton, McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, St. John, Shelby, Stewart, Vacca, Waldrop, Wilson.

—29

*Nays:*

—0

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:  
By the Sunset Committee:

**H. J. R. 128. PROVIDING FOR THE CONTINUED EXISTENCE OF THE DEPARTMENT OF INDUSTRIAL RELATIONS.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Department of Industrial Relations; and

WHEREAS, following a review and evaluation relative to the continued existence of the Department of Industrial Relations, the committee voted to recommend the continued existence of the Department of Industrial Relations; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That the Department of Industrial Relations, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 128, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 29; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Goodwin, Higginbotham, King, Little, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Powell, Roberts, St. John, Shelby, Stewart, Vacca, Waldrop, Wilson.

—29

*Nays:*

—0

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:  
By the Sunset Committee:

**H. J. R. 131. PROVIDING FOR THE CONTINUED EXISTENCE OF THE DEPARTMENT OF LABOR.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No.

512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Department of Labor; and

WHEREAS, following a review and evaluation relative to the continued existence of the Department of Labor, the committee voted to recommend the continued existence of the Department of Labor; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Department of Labor, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 131, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 29; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Goodwin, Higginbotham, King, Little, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Powell, Roberts, St. John, Shelby, Stewart, Vacca, Waldrop, Wilson.

—29

*Nays:*

—0

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By the Sunset Committee:

H. J. R. 296. PROVIDING FOR THE CONTINUED EXISTENCE OF THE FARMERS MARKET AUTHORITY.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Farmers Market Authority; and

WHEREAS, following a review and evaluation relative to the continued existence of the Farmers Market Authority, the committee voted to recommend the continued existence of the Farmers Market Authority; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Farmers Market

Authority, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 296, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 31; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, King, Little, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Vacca, Waldrop, Wilson.

—31

*Nays:*

—0

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By the Sunset Committee:

**H. J. R. 179. PROVIDING FOR THE CONTINUED EXISTENCE OF THE DEPARTMENT OF AGRICULTURE AND INDUSTRIES.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Department of Agriculture and Industries; and

WHEREAS, following a review and evaluation relative to the continued existence of the Department of Agriculture and Industries, the committee voted to recommend the continued existence of the Department of Agriculture and Industries; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That the Department of Agriculture and Industries, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

Mr. Owen offered the following amendment to the Resolution, H. J. R. 179, set out in the foregoing Message from the House, to-wit:



## SENATE AMENDMENT TO HOUSE JOINT RESOLUTION 179

Amend House Joint Resolution 179 by striking the word "Department" therefrom wherever it appears in said resolution and substitute in lieu thereof the word "Board".

Which was adopted.

On motion of Mr. Owen, said Resolution, H. J. R. 179, as thus amended, was then concurred in and adopted, pursuant to the provisions of Act 512, 1976 Regular Session.

Yeas 29; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, King, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Powell, Roberts, St. John, Shelby, Stewart, Vacca, Waldrop, Wilson.

—29

*Nays:*

—0

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By the Sunset Committee:

**H. J. R. 122. PROVIDING FOR THE CONTINUED EXISTENCE OF THE EXAMINERS OF PUBLIC ACCOUNTS.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Examiners of Public Accounts; and

WHEREAS, following a review and evaluation relative to the continued existence of the Examiners of Public Accounts, the committee voted on October 12, 1976 to recommend the continued existence of the Examiners of Public Accounts; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That the Examiners of Public Accounts, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 122, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 29; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Gilmore, Higginbotham, King, Little, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—29

*Nays:*

—0

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By the Sunset Committee:

**H. J. R. 295. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BOXING AND WRESTLING COMMISSION.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Boxing and Wrestling Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Boxing and Wrestling Commission, the committee voted to recommend the continued existence of the Boxing and Wrestling Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Boxing and Wrestling Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 295, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 28; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Fine, Gilmore, Goodwin, Higginbotham, Little, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitcehl, Noonan, Owen, Pearson, Peden, Perry, Powell, Roberts, St. John, Shelby, Stewart, Vacca, Waldrop, Wilson.

—28

*Nays:*

—0

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By the Sunset Committee:

**H. J. R. 178. PROVIDING FOR THE CONTINUED EXISTENCE OF THE AIR POLLUTION CONTROL COMMISSION.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Air Pollution Control Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Air Pollution Control Commission, the committee voted to recommend the continued existence of the Air Pollution Control Commission; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That the Air Pollution Control Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 178, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Goodwin, Higginbotham, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Powell, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—30

*Nays:*

—0

## MOTION TO ADJOURN LOST

At 1:50 P.M., Mr. St. John moved that the Senate adjourn until Thursday, March 10, 1977, at 9 o'clock A.M., which motion was lost.

Yeas 6; Nays 16.

*Yeas:*

Messrs. Adams, Bank, Fine, Goodwin, McDonald (S), St. John.

*Nays:*

Messrs. Baker, Ellis, Higginbotham, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Peden, Powell, Roberts, Vacca, Waldrop.

— 16

### RECESS

At 1:55 P.M., Mr. Adams moved that the Senate take a recess until 4:30 this afternoon.

Mr. Baker offered a substitute motion that the Senate take a recess until 2:30 this afternoon, which motion was adopted, and the Senate did take a recess until 2:30 this afternoon.

The recess period having expired, the Senate was called to order by Lieutenant Governor Beasley. A quorum of the Senate was present.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution, with amendment, and sends same herewith to the Senate for its consideration:

By the Sunset Committee:

**H. J. R. 297. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ETHICS COMMISSION.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Ethics Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Ethics Commission, the committee voted to recommend the continued existence of the Ethics Commission; now therefore

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That the Ethics Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 297, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 29; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Gilmore, Goodwin,

King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Teague, Vacca.

—29

*Nays:*

—0

### MOTION TO RECONSIDER

Mr. Owen moved that the Senate reconsider the vote by which the Resolution, H. J. R. 297, was concurred in and adopted, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By the Sunset Committee:

H. J. R. 314. PROVIDING FOR THE TERMINATION OF THE COMMISSION OF INTERGOVERNMENTAL COOPERATION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Commission of Intergovernmental Cooperation; and

WHEREAS, following a review and evaluation relative to the continued existence of the Commission of Intergovernmental Cooperation, the committee voted to recommend termination of the Commission of Intergovernmental Cooperation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Commission on Intergovernmental Cooperation, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 314, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 29; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Gilmore, Goodwin, Little, Littleton, McDonald (A), McDonald (S), McMillan, Miller, Mims, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop.

—29

*Nays:*

—0

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution, with amendment, and sends same herewith to the Senate for its consideration.

By the Sunset Committee:

**H. J. R. 308. PROVIDING FOR THE CONTINUED EXISTENCE OF THE JOINT INTERIM COMMITTEE ON FINANCE AND TAXATION.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Joint Interim Committee on Finance and Taxation; and

WHEREAS, following a review and evaluation relative to the continued existence of the Joint Interim Committee on Finance and Taxation, the committee voted to recommend the continued existence of the Joint Interim Committee on Finance and Taxation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Joint Interim Committee on Finance and Taxation, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 308, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 27; Nays 1.

*Yeas:*

Messrs. Adams, Ellis, Fine, Gilmore, Goodwin, Higginbotham, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Miller, Mims, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, St. John, Shelby, Stewart, Teague, Vacca, Waldrop.

—27

*Nay:* Mr. Baker.

—1

## ADJOURNMENT

At 5 o'clock P.M., on motion of Mr. Perloff, in accordance with Joint Resolution heretofore adopted, and pending further consideration of the Bill, S. B. 62 and the Resolution, S. R. 269, the Senate adjourned until Thursday, March 10, 1977, at 10 o'clock A.M.

## TWELFTH LEGISLATIVE DAY

THURSDAY, MARCH 10, 1977

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

## PRAYER

The Session was opened with prayer by the Reverend Freeman B. Smith, Pastor, Poplar Springs Baptist Church, Uriah, Alabama.

## ROLL CALL

Present:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

— 34

## JOURNAL

On motion of Mr. Powell, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Eleventh Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

OBIE J. LITTLETON,  
Acting Chairman.

## COMMITTEE REPORT

On motion of Mr. Littleton, the foregoing report was concurred in and the Journal of the Senate for the Eleventh Legislative Day was approved by the Senate.

## LEAVE OF ABSENCE

On motion of Mr. Powell, leave of absence was granted Mr. Jones for today.

## SENSE OF THE SENATE

Under the provisions of Senate Rule 45, Mr. King moved that the President and Presiding Officer of the Senate call for the Sense of the Senate on the following question:

"Shall the Senate proceed to the Regular Order of Business, having complied with the provisions of Section 11, Act 512, Regular Session 1976?"

On a call of the roll, the members of the Senate responded as follows:

Yeas 19; Nays 13.

*Yeas:*

Messrs. Adams, Bank, Clemon, Ellis, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mitchell, Owen, Peden, Powell, Roberts, Shelby, Stewart, Vacca, Waldrop.

—19

*Nays:*

Messrs. Baker, Edwards, Fine, Gilmore, Goodwin, Higginbotham, Miller, Mims, Noonan, Pearson, Perry, St. John, Wilson.

—13

#### MOTION TO RECESS LOST

At 10:30 A.M., Mr. Edwards moved that the Senate take a recess until 1 o'clock this afternoon, which motion was lost.

#### RESOLUTIONS

Messrs. Edwards, Adams, Baker, Bank, Clemon, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop and Wilson offered the following Senate Joint Resolution, to-wit:

S. J. R. 272. MOURNING THE DEATH OF JOHN LESLIE DOSS, SR.

WHEREAS, the Alabama Legislature has noted with a sense of deep regret the death of John Leslie Doss, Sr., on February 22, 1977 in Decatur, Alabama; and

WHEREAS, Mr. Doss, who was a native of Decatur and a veteran of World War I, pioneered that city's first radio station in 1935, then known as WFMO but now, WMSL; he also operated radio stations in Tuscaloosa, Birmingham and Bessemer; and

WHEREAS, he was a Mason, a Shriner, a former member of the Decatur Kiwanis Club, and a member of Central Baptist Church, actively participating in these and many other civic, charitable and religious affairs of his community; and

WHEREAS, Mr. Doss reflected the uncommon endowments of foresight, perseverance and capacity for leadership; he was a respected businessman, was devoted to his family and will be sadly missed and remembered with love by all those who knew him; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do deeply mourn the death of John Leslie Doss, Sr.; we extend our heartfelt sympathy to his



wife, Mrs. Leah Doss, and son, John Leslie Doss, Jr., both of Decatur, and to the other members of his family, to whom copies of this resolution shall be sent.

On motion of Mr. Edwards, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Peden offered the following Senate Joint Resolution, to-wit:

**S. J. R. 273. REQUESTING THE GOVERNOR TO TRANSMIT TO THE EXAMINERS OF PUBLIC ACCOUNTS THE REPORT OF THE INSPECTOR GENERAL OF THE FIRST UNITED STATES ARMY.**

WHEREAS, The 1st United States Army Inspector General issued a report alleged to be very critical of the Alabama National Guard; and

WHEREAS, State Adjutant General Charles A. Rollo resigned on Wednesday, March 9, after said report was delivered to the Governor; and

WHEREAS, The Legislative Special Interim Committee to Study Federal Grants and the Special Budget Control Subcommittee of the Alabama Legislature requested an audit by the State Department of Examiners of Public Accounts to be made in 1976, after said subcommittee received allegations of widespread misconduct; and

WHEREAS, Said audit, having been made and examined by the subcommittee, claimed widespread spending of Guard unit funds for personal items, and uncovered excessive active duty by top officers in the State Military Department and other irregularities by certain officers of the Military Department; and

WHEREAS, The Legislative Special Interim Committee to Study Federal Grants and the Budget Control Subcommittee, after evidence gathered by the Examiners of Public Accounts, called for the resignation of the Adjutant General in early 1976; and

WHEREAS, The Alabama National Guard, over the years, has attained a well-deserved recognition as one of the finest National Guard units of the United States; and

WHEREAS, The integrity of the rank and file membership of the Guard has been impugned; now, therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That the Governor is requested to transmit forthwith to the State Department of Examiners of Public Accounts the report submitted to his office by the Inspector General of the 1st United States Army, in an endeavor to determine if any misuse of state funds was involved.

**BE IT FURTHER RESOLVED** That a copy of this Resolution be delivered to the Governor of the State of Alabama.

Which was read and referred to the Standing Committee on Rules.

Messrs. Vacca, Perry, Ellis, Adams, Baker, Bank, Clemon, Edwards, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Teague, Waldrop and Wilson offered the following Senate Joint Resolution, to-wit:

**S. J. R. 275. CONGRATULATING CAPTAIN JOHN G. HENDERSON.**

WHEREAS, The Legislature of Alabama has learned of the selection of Captain John G. Henderson, commander of the Department of Public Safety's Safety Education Unit, as class president by the 250 law enforcement officers attending the 108th session of the FBI National Academy in Quantico, Virginia; and

WHEREAS, Captain Henderson, a native of Pike County who is stationed in Montgomery, is a graduate of Goshen High School and Alabama Christian College, and obtained his B. S. degree in Criminal Justice and masters degree in Police Administration from Troy State University; he has a 19-year career in law enforcement and has been a Department of Public Safety member since 1959, serving previously as a patrol officer in Sylacauga and also as Alabama Police Academy instructor and Safety Education Officer in Montgomery; and

WHEREAS, a veteran of the Korean conflict, he is a graduate of the USAF Academic Instructor's course, and further is a charter member of the First United Methodist Church where he teaches Sunday School and also serves as lay speaker for the church, and is active, too, in the Masonic Lodge and Boy Scouts; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do highly commend Captain John G. Henderson for outstanding contributions to the civic and religious affairs of his community and do heartily congratulate him on his selection as class president of the 108th session of the FBI National Academy.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Captain and Mrs. Henderson and their four fine children.

On motion of Mr. Vacca, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Little offered the following Senate Joint Resolution, to-wit:

**S. J. R. 276. MOURNING THE DEATH OF AUBURN CIVIC LEADER, ROBERT N. HOIT.**

WHEREAS, The Alabama legislature has learned, with regret, of the death of Mr. Robert N. Hoit on February 15, 1977, in Auburn, Alabama; and

WHEREAS, a native of Livingston, Alabama, Mr. Hoit received an agricultural degree from Auburn University in 1934, taught vocational agriculture for five years, and retired in 1973 after 34 years of employment with the USDA Soil Conservation Service, during which time he was the recipient of several awards for outstanding performance; and

WHEREAS, throughout the years, he was actively involved with many civic affairs which included division chairmanship of the United Fund Drive, Boy Scout Merit Badge Council member, and work with crippled children projects and the Red Cross; and

WHEREAS, Robert Hoit's many interests further included membership in the Kiwanis Club for 37 years in Meridian, Mississippi, and Anniston, Alabama, and in the Ozark Club, which he served as past president; he also was Governor of the Alabama District of Kiwanis

International in 1974-75, being honored at that time as a Distinguished Governor of Kiwanis International; and

WHEREAS, he was an active member and served as Elder in the First Presbyterian Church, and was a man of many talents who contributed greatly to his state and to his community, never shunning responsibility, but rather initiating numerous worthwhile projects; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the untimely death of Robert N. Hoit, and extend deepest sympathy to his wife, Hildegard Ledbetter Hoit, and to their children, Jo Ann and Robert Neilson Hoit, to whom copies of this resolution shall be sent.

On motion of Mr. Little, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. McMillan, Clemon, and Pearson offered the following Senate Joint Resolution, to-wit:

S. J. R. 277. HONORING MRS. MARY JULIE ANDERSON FOR HER OUTSTANDING CONTRIBUTIONS IN CRIME PREVENTION.

WHEREAS, the State of Alabama is vitally interested in crime prevention and recognizes that effective crime prevention should be a cooperative effort by citizens and law enforcement officials, and wishes to recognize those who make significant contributions to successful crime prevention; and

WHEREAS, through such cooperation among citizens and law enforcement officials, the Thomas Neighborhood in the City of Birmingham has been changed from one with a high crime rate to the neighborhood with the lowest crime rate in the city; and

WHEREAS, the neighborhood leader throughout more than five years of crime prevention efforts which resulted in this success has been Mrs. Mary Julie Anderson, President of the Thomas Neighborhood Citizens Committee of Birmingham's Citizen Participation Program; and

WHEREAS, Mrs. Anderson, despite difficulties and personal sacrifices, has conscientiously and continuously given generously of her time, interest, effort and resources, including her home, to promote communication, understanding, trust and cooperation among local citizens and law enforcement officials to make crime prevention in Thomas a success; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the State of Alabama highly commends and expresses its deep appreciation to Mrs. Mary Julie Anderson for her significant civic contributions in the area of crime prevention.

BE IT FURTHER RESOLVED, That the State of Alabama encourages others to follow the successful crime prevention example set by citizens and law enforcement officials in the Thomas Neighborhood.

RESOLVED FURTHER, That a copy of this resolution be sent to Mrs. Mary Julie Anderson.

On motion of Mr. McMillan, the Rules were suspended and the Resolution was adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 398. Relating to Coosa County; authorizing the levy of a tax on the sale and distribution of malt or brewed beverages; providing for the collection of such tax; and allowing the confiscation of such beverages on which such tax has not been paid.

JOHN W. PEMBERTON,  
Clerk.

#### UNFINISHED BUSINESS

##### RESOLUTION

The Senate proceeded to consideration of the Unfinished Business for today, the first item of which was the Resolution:

##### S. R. 269. SETTING SPECIAL ORDERS.

Which is set out at length in the Journal of the Senate on the Tenth Legislative Day.

On motion of Mr. Baker, consideration of the Resolution, S. R. 269, was postponed temporarily.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Joint Resolution:

H. J. R. 179. PROVIDING FOR THE CONTINUED EXISTENCE OF THE DEPARTMENT OF AGRICULTURE AND INDUSTRIES.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 398. Relating to Coosa County; authorizing the levy of a tax on the sale and distribution of malt or brewed beverages; providing for the collection of such tax; and allowing the confiscation of such beverages on which such tax has not been paid.

JOHN W. PEMBERTON,  
Clerk.

## SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 110. NAMING THE CHAPEL AT ATHENS STATE COLLEGE THE "CHAPEL OF PI TAU CHI."

JOHN W. PEMBERTON,  
Clerk.

## SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 297. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ETHICS COMMISSION.

Also:

H. J. R. 122. PROVIDING FOR THE CONTINUED EXISTENCE OF THE EXAMINERS OF PUBLIC ACCOUNTS.

Also:

H. J. R. 128. PROVIDING FOR THE CONTINUED EXISTENCE OF THE DEPARTMENT OF INDUSTRIAL RELATIONS.

Also:

H. J. R. 129. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ADVISORY COUNCIL.

Also:

H. J. R. 131. PROVIDING FOR THE CONTINUED EXISTENCE OF THE DEPARTMENT OF LABOR.

Also:

H. J. R. 132. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA SECURITIES COMMISSION.

Also:

H. J. R. 160. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BOARD OF APPEALS.

Also:

H. J. R. 162. PROVIDING FOR THE CONTINUED EXISTENCE OF THE LIQUEFIED PETROLEUM GAS BOARD.

Also:

H. J. R. 177. PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE BOARD OF EXAMINERS OF SPEECH PATHOLOGY AND AUDIOLOGY.

Also:

H. J. R. 178. PROVIDING FOR THE CONTINUED EXISTENCE OF THE AIR POLLUTION CONTROL COMMISSION.

Also:

H. J. R. 181. PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE BOARD OF VETERINARY MEDICAL EXAMINERS.

Also:

H. J. R. 182. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ENTOMOLOGISTS, HORTICULTURISTS, FLORICULTURISTS, AND TREE SURGEONS.

Also:

H. J. R. 207. PROVIDING FOR THE CONTINUED EXISTENCE OF THE COSMETOLOGY BOARD.

Also:

H. J. R. 295. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BOXING AND WRESTLING COMMISSION.

Also:

H. J. R. 296. PROVIDING FOR THE CONTINUED EXISTENCE OF THE FARMERS MARKET AUTHORITY.

Also:

H. J. R. 308. PROVIDING FOR THE CONTINUED EXISTENCE OF THE JOINT INTERIM COMMITTEE ON FINANCE AND TAXATION.

Also:

H. J. R. 314. PROVIDING FOR THE TERMINATION OF THE COMMISSION ON INTERGOVERNMENTAL COOPERATION.

Also:

**H. J. R. 179. PROVIDING FOR THE CONTINUED  
EXISTENCE OF THE BOARD OF AGRICULTURE AND INDUS-  
TRIES.**

**JOHN W. PEMBERTON,**  
Clerk.

**SIGNING OF RESOLUTIONS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

**REPORT OF  
COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, respectively, and finds same correctly enrolled, to-wit:

**S. 399.** To provide a form of municipal government to be known as the mayor-council form of government, which may be adopted by any city in the State of Alabama having a population of not less than 60,000 nor more than 125,000 according to the last or any succeeding federal or municipal census; to provide the method by which any such city may adopt the mayor-council form of government; to provide for the calling and holding of elections to vote thereon; to define and provide the legal status, form of government and powers of any such city under the mayor-council form of government; to provide as the governing body of such city a city council; to provide for the number of members of the council, their election and terms of office; to provide the functions, duties, powers and authority of the city council; to provide for the election, appointment or designation of officers and employees of the city and for their qualifications, duties, functions, powers and authority; to provide for the election, term, qualifications and compensation of the mayor and for the filling of vacancies in the office of mayor and to provide the duties and authority of the mayor; to provide for the control of the finances of such city; to provide for an annual budget, its preparation, submission, and adoption and the effect thereof; to create and define the powers, functions, duties and authority of the department of finance and the director of the department of finance; to regulate purchases and contracts of such city; to provide for the terms and effects of succession in government of any city adopting the mayor-council form of government; to make various other provisions for any such city which adopts the mayor-council form of government and for the government thereof; and to provide for the means of abandoning the mayor-council form of government and the adoption by the city of other forms of municipal government in lieu thereof.

**OBIE J. LITTLETON,**  
Acting Chairman.

## SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing report from the Committee on Rules.

## RESOLUTIONS

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 278. RESOLVED by the Senate that the following resolutions and bills shall be the paramount and continuing order of business immediately upon the adoption of the resolution for the 12th Legislative Day only:

All uncontested local bills.

Bill No.	Page No.	Description
S. B. 222	21	Court of Criminal Appeals
S. B. 264	15	Investment bill
S. B. 266	15	Supervision bill
S. B. 458	38	Public utilities
S. B. 105	20	Higher learning
S. B. 335	69	Criminal cases
S. B. 439	49	Judicial retirement
S. B. 427	26	District Attorneys
S. B. 285	33	Rural water systems
S. B. 400	24	Non-resident contractors
S. B. 401	25	Heavy duty equipment
S. B. 207	37	Support personnel benefits
S. B. 392	56	Child abuse
S. J. R. 247	70	Probate Code
S. B. 288	29	Amends Title 61, § 119
S. B. 462	39	Probate Judges
S. B. 459		Probate Courts
S. B. 457	41	Amends Title 51, § 847
S. B. 345	22	Board of Nursing
S. B. 487	50	Data Systems
S. B. 394	56	Appointment of Curator
S. B. 125	66	Sale of articles
S. B. 85	14	Public Health



S. B. 191	28	Privileged communications
S. B. 15	17	Barter system
S. B. 194	28	Security interest
S. B. 59	31	Retirement pension
S. B. 302	71	Family Practice
S. B. 295	65	Utility facilities
S. B. 171	55	Driving while intoxicated
S. B. 206	71	Emergency medical services
S. B. 144	54	Witnesses—trials
S. B. 351	41	Leasing of land
S. B. 33	27	Criminal Code
S. B. 421	26	Distribution of Code
S. B. 137	54	Municipal corporations
S. B. 32	10	Reports—state agencies
H. B. 380	67	Cases—criminal sexual conduct
S. B. 236	55	Conveyance of property
S. B. 237	55	Distribution of property
S. B. 160	8	Additional secretaries
S. B. 210	62	Teacher units
S. B. 52	52	Sunday contracts
H. J. R. 93	79	Forestry Department
S. B. 54	29	Corporations
S. B. 82	68	Motor vehicle licenses
S. B. 167	27	Corporations
S. B. 469	72	Blasting agents/explosives

Mr. Edwards offered the following substitute for the Resolution, S. R. 278, to-wit:

#### RESOLUTION FOR S. R. 278

RESOLVED by the Senate that the following resolutions and bills shall be the paramount and continuing order of business immediately upon the adoption of the resolution for the 12th Legislative Day only:

All uncontested local bills.

Bill No.	Page No.	Description
S. B. 222	21	Court of Criminal Appeals
S. B. 264	15	Investment bill
S. B. 266	15	Supervision bill

S. B. 458	38	Public utilities
S. B. 105	20	Higher learning
S. B. 335	69	Criminal cases
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S. B. 401	25	Heavy duty equipment
S. B. 207	37	Support personnel benefits
S. B. 392	56	Child abuse
S. J. R. 247	70	Probate Code
S. B. 288	29	Amends Title 61, § 119
S. B. 462	39	Probate Judges
S. B. 459		Probate Courts
S. B. 457	41	Amends Title 51, § 847
S. B. 345	22	Board of Nursing
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S. B. 394	56	Appointment of Curator
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S. B. 191	28	Privileged communications
S. B. 15	17	Barter system
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S. B. 59	31	Retirement pension
S. B. 302	71	Family Practice
S. B. 295	65	Utility facilities
S. B. 171	55	Driving while intoxicated
S. B. 206	71	Emergency medical services
S. B. 144	54	Witnesses—trials
S. B. 351	41	Leasing of land
S. B. 33	27	Criminal Code
S. B. 421	26	Distribution of Code
S. B. 137	54	Municipal corporations
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S. B. 236	55	Conveyance of property

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S. B. 160	8	Additional secretaries
S. B. 210	62	Teacher units
S. B. 52	52	Sunday contracts
H. J. R. 93	79	Forestry Department
S. B. 54	29	Corporations
S. B. 167	27	Corporations
S. B. 469	72	Blasting agents/explosives

Mr. Pearson offered the following amendment to the substitute, for the Resolution, S. R. 278, to-wit:

#### AMENDMENT TO SUBSTITUTE FOR S. R. 278

S. R. 278. RESOLVED by the Senate that the following Bill shall be the paramount and continuing order of business immediately upon the adoption of the resolution for the 12th Legislative Day only:

Bill No.	Page No.	Description
S. B. 264	15	Investment bill

Which was adopted.

Yeas 19; Nays 1.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Gilmore, Little, Littleton, McMillan, Miller, Mims, Noonan, Owen, Pearson, Peden, Roberts, Shelby, Vacca.

—19

*Nay:* Mr. McDonald (A).

—1

And said substitute, as thus amended, for the Resolution, was adopted by the Senate.

On motion of Mr. Baker, said Resolution, S. R. 278, as thus amended by the substitute, was then adopted by the Senate.

Mr. Perry offered the following Senate Joint Resolution, to-wit:

S. J. R. 279. COMMENDING GOVERNOR GEORGE C. WALLACE AND THE ALABAMA HIGHWAY DEPARTMENT FOR ADMINISTRATIVELY PLACING ALABAMA FIRST IN THE NATION IN THE UTILIZATION OF FEDERAL HIGHWAY FUNDS.

WHEREAS, The Federal Highway Administration recently released a report on programmed progress in the use of revenues accruing to the Highway Trust Fund during the Fiscal Year 76-77; and

WHEREAS, the State of Alabama was ranked number one among the 50 states in the percentage of obligation in relation to fiscal year apportionment of Federal funds; and

WHEREAS, the State of Alabama was the only State which had advanced to the point of utilizing portions of the 1978 appropriations; and

WHEREAS, the State of Alabama ranked third in the Nation in the total numbers of Federal Aid highway program obligations for the Fiscal Year 1977, only being surpassed by the State of Texas and the State of New York; and

WHEREAS, the State of Alabama has been commended for the prompt handling of the Federal Aid Program in order to expedite Federal Aid projects; now therefore,

BE IT HEREBY RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Governor George C. Wallace, the State Highway Director, and the State Highway Department be commended for carrying out a mandate of the State Legislature requiring that all Federal funds be fully utilized and further commended for the expeditious and effective manner in which this program has been administered.

Which was read and referred to the Standing Committee on Rules.

#### UNFINISHED BUSINESS

#### BILLS ON THIRD READING

The Senate proceeded to consideration of the Unfinished Business for today, the second item of which was the Bill:

S. 62. To authorize and provide for the issuance of revenue bonds for the purpose of providing for the construction, reconstruction, improvement, alteration, enlargement and equipment of public office building facilities and of annexes, additions and enlargements of such buildings and for the acquisition of sites therefor; to authorize and provide for the establishment of a public corporation, to be known as the Alabama Capitol Building Authority, to issue such bonds; to provide that a part of the proceeds of such bonds shall be used by the authority established hereunder for the purpose of providing such public office building or buildings for the legislative branch of the government of the State of Alabama, that a part of such proceeds shall be used by the Alabama Building Authority for the purpose of constructing, altering and improving the public office building facilities heretofore constructed by such authority or for constructing and equipping of annexes, additions or enlargements of such building, and the remainder of the proceeds of such bonds shall be used by the Alabama Building Finance Authority for the purpose of constructing, altering and improving public office building facilities heretofore constructed by such authority or for constructing and equipping of annexes or additions to such buildings; to authorize the issuance of refunding bonds; to provide for the investment of the proceeds from the sale of such bonds; to provide that all properties procured, constructed or improved or enlarged with the proceeds of any bonds hereby authorized and the income therefrom and all bonds issued pursuant to this act and the income therefrom and all leases made and all lien notices filed relative to buildings or additions constructed, altered, improved or equipped pursuant to this act, shall be exempt from all taxation in the State of Alabama; to provide that such bonds shall constitute negotiable instruments; to provide that such bonds shall be payable solely out of revenues of the several authorities, respectively, and shall not create an obligation or debt of the state; to provide that any bonds issued pursuant

to this act may be used as security for deposits and investment of public funds and fiduciary funds; to specify the application of the proceeds of the bonds issued pursuant to this act; to provide for the construction of public office building facilities, the alteration, construction of annexes or additions to, and improvement of public office building facilities and for the equipment of such facilities or additions thereto by the several authorities above listed; to authorize the conveyance to each of said authorities of lands owned by the State; to create a reserve fund for the benefit of the bonds issued pursuant to this act; to authorize the authority established hereunder to pledge such revenues from any facilities constructed under authority of this act as may be necessary to pay the principal of and interest on its bonds; to authorize the filing for record of an instrument reciting the issuance of said bonds and the creation of said pledge as a lien on said revenues which filing will constitute constructive notice; to provide that the state treasurer shall be the custodian of the funds of the authority; to provide for the lease to and by agencies, boards, commissions, public corporations, bureaus and departments of the State of Alabama and of the United States, and private parties of space for occupancy in said facilities or additions thereto; and to authorize publication of notice of each resolution authorizing any bonds or pledge and to specify a limitation of time thereafter for actions or defenses respecting said bonds or pledge.

Mr. Little moved that further consideration of the Bill, S. B. 62, as amended, be postponed temporarily.

On motion of Mr. Powell, the motion to postpone was laid on the table.

Yeas 20; Nays 3.

*Yeas:*

Messrs. Baker, Clemon, Edwards, Ellis, Fine, Goodwin, Higginbotham, King, Littleton, Miller, Mims, Pearson, Peden, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Vacca.

—20

*Nays:* Messrs. Little, McMillan, Mitchell.

—3

On motion of Mr. Powell, further consideration of the Bill, S. B. 62, as amended, was postponed until the next Legislative Day as Unfinished Business.

## RESOLUTION

Mr. Owen offered the following Senate Joint Resolution, to-wit:

S. J. R. 280. OFFERING GOOD WISHES FOR A SUCCESSFUL CAREER FOR DAVID A. NIHART.

WHEREAS, David A. Nihart of Mobile, Alabama, who has worked for the Alabama Radio News Network and for WKRG, has now embarked upon his new career as an attorney; and

WHEREAS, the honorable legal profession is enhanced by the addition of this young and talented attorney whose budding legal practice can be expected to flourish under a combination of talent, dedication and perseverance; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA,

BOTH HOUSES THEREOF CONCURRING, That we extend all good wishes for a successful career to David A. Nihart of Mobile, Alabama as he undertakes, with diligence and enthusiasm, the pursuits of his profession.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Nihart that he may know of our sincere warm wishes.

On motion of Mr. Owen, the Rules were suspended and the Resolution was adopted by the Senate.

### SPECIAL ORDER

#### BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, which was the Bill:

S. 264. To prescribe, authorize and regulate investments of life, disability, and burial insurance companies.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 30; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, King, Little, Littleton, McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Powell, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

— 30

*Nays:*

— 0

### RESOLUTIONS

Mr. Wilson offered the following Senate Joint Resolution, to-wit:

S. J. R. 281. Memorializing Congress to allow regulation of surface mining of coal to remain in the hands of the states.

WHEREAS, coal is our nation's most abundant fossil fuel; and

WHEREAS, our nation faces an energy crisis of potentially devastating proportions, with coal being the only reliable and proven energy source available to meet our needs for the foreseeable future; and

WHEREAS, over one-half of our total coal production now comes from surface mines; and

WHEREAS, recognizing the necessity to properly control surface mining and reclamation operations, Alabama and thirty-seven other states, including all major coal-producing states, now have surface mining laws; and

WHEREAS, these laws are based on the desires and judgments of the citizens of the respective states, taking into account differences in climate, terrain, coal quality and quantity, transportation facilities, and other unique considerations; and

WHEREAS, there is overwhelming evidence that House Resolution 2

and similar bills before the Congress would result in reduced coal production, greater dependence upon foreign oil, increased unemployment in the coal-producing counties of Alabama and other states, and unnecessary economic disruptions throughout our nation; and

WHEREAS, the United Mine Workers of America voted overwhelmingly on September twenty-ninth, nineteen hundred seventy-six, at their Cincinnati, Ohio, convention to withdraw their previous support of federal coal and surface mining legislation; now, therefore, be it

RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That regulation of coal surface mining and reclamation should remain the exclusive responsibility of the several states, and that Congress should refrain from forcing federal intrusion into this area which is, and ought to remain, a matter properly under the control of those citizens directly affected; and, be it

RESOLVED FURTHER, That the Secretary of the Senate is hereby instructed to send copies of this resolution to the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, the Secretary of the Interior, and the members of the Alabama delegation to the United States Congress as an expression of the sense of this body.

Which was read and referred to the Standing Committee on Rules.

Mr. Baker offered the following Senate Joint Resolution, to-wit:

S. J. R. 282. REJECTING THE REPORT OF THE STATE JUDICIAL COMPENSATION COMMISSION FOR SALARIES AND EXPENSE ALLOWANCES FOR THE JUDICIARY SUBMITTED FEBRUARY 1, 1977.

WHEREAS, the Judicial Compensation Commission has submitted its recommendations to the Alabama Legislature for the salaries and expense allowances for the judiciary as provided by Section 6.09, subsection (d) of Act No. 1051, S. 214 of the 1973 Regular Session; and

WHEREAS, the recommendations submitted by the commission are beyond the fiscal means of the state treasury; and

WHEREAS, pensions for retired judges and their widows are in proportion to salaries granted to the judiciary, and proposed increases in retirement benefits already amount to thousands of dollars annually for each retired judge and widow; and

WHEREAS, it is demanded of this body to see that fiscal responsibility prevails and that the State of Alabama immediately cease to operate beyond its means; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do repudiate and soundly reject the report and recommendations of the State Judicial Compensation Commission for salaries and allowances for the judiciary.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to all members of the Judicial Compensation Commission.

Which was read and referred to the Standing Committee on Rules.

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 283. RESOLVED by the Senate that the following resolutions and bills shall be the paramount and continuing order of business immediately upon the adoption of the resolution for the 13th Legislative Day only:

All uncontested local bills.

Bill No.	Page No.	Description
S. B. 222	21	Court of Criminal Appeals
S. B. 266	15	Supervision bill
S. B. 458	38	Public utilities
S. B. 105	20	Higher learning
S. B. 335	69	Criminal cases
S. B. 439	49	Judicial retirement
S. B. 427	26	District Attorneys
S. B. 285	33	Rural water systems
S. B. 400	24	Non-resident contractors
S. B. 401	25	Heavy duty equipment
S. B. 207	37	Support personnel benefits
S. B. 392	56	Child abuse
S. J. R. 247	70	Probate Code
S. B. 288	29	Amends Title 61, § 119
S. B. 462	39	Probate Judges
S. B. 459		Probate Courts
S. B. 457	41	Amends Title 51, § 847
S. B. 345	22	Board of Nursing
S. B. 487	50	Data Systems
S. B. 394	56	Appointment of Curator
S. B. 125	66	Sale of articles
S. B. 85	14	Public Health
S. B. 191	28	Privileged communications
S. B. 15	17	Barter system
S. B. 194	28	Security interest
S. B. 59	31	Retirement pension
S. B. 302	71	Family Practice
S. B. 295	65	Utility facilities
S. B. 171	55	Driving while intoxicated



S. B. 206	71	Emergency medical services
S. B. 144	54	Witnesses— trials
S. B. 351	41	Leasing of land
S. B. 33	27	Criminal Code
S. B. 421	26	Distribution of Code
S. B. 137	54	Municipal corporations
S. B. 32	10	Reports— state agencies
H. B. 380	67	Cases— criminal sexual conduct
S. B. 236	55	Conveyance of property
S. B. 237	55	Distribution of property
S. B. 160	8	Additional secretaries
S. B. 210	62	Teacher units
S. B. 52	52	Sunday contracts
H. J. R. 93	79	Forestry Department
S. B. 54	29	Corporations
S. B. 82	68	Motor vehicle licenses
S. B. 167	27	Corporations
S. B. 469	72	Blasting agents/explosives
S. B. 182	29	
S. B. 79	32	

#### UNANIMOUS CONSENT GRANTED

Mr. Pearson requested and received Unanimous Consent that his name be added as co-sponsor of the Bill, S. B. 264.

#### MOTION TO ADJOURN LOST

At 4:20 P.M., Mr. Perry moved that the Senate adjourn until Tuesday, March 22, 1977, at 2 o'clock P.M., which motion was lost.

#### FURTHER CONSIDERATION OF S. R. 283

The Senate proceeded to further consideration of the Resolution, S. R. 283.

#### ADJOURNMENT

At 4:25 P.M., on motion of Mr. Perry, in accordance with Joint Resolution heretofore adopted, and pending further consideration of the Bill, S. B. 62, and the Resolution, S. R. 283, the Senate adjourned until Tuesday, March 22, 1977, at 11 o'clock A.M.

## THIRTEENTH LEGISLATIVE DAY

TUESDAY, MARCH 22, 1977

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

## PRAYER

The Session was opened with prayer by the Reverend A. G. Moore, Pastor, Braggs Christian Church, Braggs, Alabama.

## ROLL CALL

Present:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

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## JOURNAL

On motion of Mr. Perry, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twelfth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

OBIE J. LITTLETON,  
Acting Chairman.

## COMMITTEE REPORT

On motion of Mr. Littleton, the foregoing report was concurred in and the Journal of the Senate for the Twelfth Legislative Day was approved by the Senate.

## LEAVE OF ABSENCE

On motion of Mr. Perry, leave of absence was granted Mr. Clemon for today.

## MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the appointment of the Director of the State Docks.

Respectfully submitted,  
HENRY B. STEAGALL, II,  
Executive Secretary.

Done this 22nd day of March, 1977.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Robert M. Hope, Mobile, Alabama, as the Director of the State Docks.

Respectfully,  
GEORGE C. WALLACE,  
Governor.

Done this 22nd day of March, 1977.

#### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to the appointment of the Director of the State Docks, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment on the State Board of Pardons and Paroles.

Respectfully submitted,  
HENRY B. STEAGALL, II,  
Executive Secretary.

Done this 22nd day of March, 1977.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mr. Tom J. Ventress to the State Board of Pardons and Paroles for the unexpired term of Mr. Norman F. Ussery.

Respectfully,  
GEORGE C. WALLACE,  
Governor.

Done this 22nd day of March, 1977.

#### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment on the State Board of Pardons and Paroles, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the appointment of the Superintendent of Banks.

Respectfully submitted,  
HENRY B. STEAGALL, II,  
Executive Secretary.

Done this 22nd day of March, 1977.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Dennis M. Mitchell as the Superintendent of Banks.

Respectfully,  
GEORGE C. WALALCE,  
Governor.

Done this 22nd day of March, 1977.

#### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to the appointment of the Superintendent of Banks, was read and referred to the Standing Committee on Rules.

#### INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Messrs. St. John, Baker and McDonald (S):

S. 616. To provide expense allowances for the chief justice and associate justices of the supreme court, the presiding judges of the court of civil appeals and the court of criminal appeals and the associate justices of the appeals courts, and the judges of the circuit courts; and to provide that such expense allowances shall be paid out of the general fund of the state treasury.

Committee on Finance and Taxation.

By Mr. St. John:

S. 617. To provide for the State of Alabama scenic rivers system; to prescribe the types of rivers eligible for the system; to designate rivers or sections of rivers for immediate inclusion in the system; to provide a procedure for protecting the lands and waters in the system; to prescribe the powers and duties of the Department of Conservation and Natural Resources in connection with the administration of the system; to provide criteria for the management of the system; to prescribe the methods and standards for adding new components to the system; to provide for cooperative agreements with other agencies and to authorize the appropriation of funds; to prescribe penalties for violations and provide otherwise for the enforcement of the Act and negotiations issued thereunder.

Committee on Finance and Taxation.

By Mr. McDonald (A):

S. 618. To provide that salaries for all judges of this state, except probate judges, shall not exceed their present sums.

Committee on Finance and Taxation.

By Messrs. McDonald (A), King and Baker:

S. 619. To repeal Act No. 736, H. 1821, Regular Session 1973 (Acts 1973, p. 1096), relating to county supplemental salaries for retired or supernumerary circuit judges of the twenty-third judicial circuit.

Committee on Local Legislation No. 1.

By Mr. Waldrop (with notice and proof):

S. 620. To authorize the board of education of Etowah County to borrow money for capital outlay purposes for the county school system and to pledge to the repayment thereof the revenues derived from the county tax on the sale of malt or brewed beverages in the county; to regulate the procedure for obtaining loans and the use of the proceeds thereof; to prescribe the time within which the loan must be repaid; and to provide for the payment of any outstanding indebtedness should the county cease, at any time in the future, to be a "wet" county.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 620, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Messrs. McDonald (A), King and Baker:

S. 621. To amend Act No. 1024, S. 431, Regular Session 1973 (Acts 1973, p. 1561) relating to county supplemental payments to retired or supernumerary circuit judges of certain judicial circuits, so as to specifically exempt the twenty-third (23rd) judicial circuit from the provisions of the act.

Committee on Local Legislation No. 1.

By Mr. Noonan:

S. 622. Amending Title 30, Section 40 of the Code of Alabama, 1940, relating to the establishment of foreign trade zones so as to authorize county and municipal governing bodies and private corporations to establish and operate such zones at the harbors and seaports within the State of Alabama.

Committee on Seaports and Inland Waterways.

By Mr. Noonan:

S. 623. Relating to individual income taxation; providing further for deductions from gross income for state income tax purposes.

Committee on Finance and Taxation.

By Mr. Mims:

S. 624. Relating to the manufacture and distribution of commercial feeds; requiring registration of manufacturers of commercial feeds; requiring the labeling of such feeds; prohibiting the adulteration or misbranding of any commercial feeds; providing for the inspection of such feeds; authorizing the commissioner of agriculture and industries to promulgate certain rules and regulations for enforcement of the act; providing penalties for violations; and repealing sections 56-68, Title 2, Code of Alabama 1940.

Committee on Agriculture.

By Mr. Mims:

S. 625. Relating to Indian citizens of the State of Alabama; creating the Indian Affairs Commission of Alabama; providing for its duties and membership; prescribing the method of appointment and compensation of the members of said commission; providing for an appropriation for such commission from the state general fund; and repealing all laws or parts of laws conflicting with this act, specifically repealing Act No. 533, S. 449, 1976 Regular Session (Acts of 1976, p. 684).

Committee on Finance and Taxation.

By Mr. Mims:

S. 626. Providing that the governing body of each county shall pay the expenses incurred by its Judge of Probate and personnel in his office for membership in his State and National organization, and for attendance upon State or National conferences, schools or other functions pertaining to their offices.

Committee on Local Government.

By Mr. Stewart:

S. 627. Providing for the establishment of a family court division of the circuit court of the seventh judicial circuit; prescribing the jurisdiction of such court; providing for the selection, appointment, qualifications, tenure, and compensation of its officers, and administrative and clerical personnel and providing for the transfer of cases from all other courts in such circuit having jurisdiction of juveniles and of domestic relations cases.

Committee on Finance and Taxation.

By Mr. Fine:

S. 628. To prohibit the use of steel traps and similar devices in trapping wildlife and to prescribe the punishment for violation.

Committee on Conservation.

By Mr. Stewart:

S. 629. To create an additional judgeship of the seventh judicial circuit, to be designated circuit judge number five; to provide for his appointment and election, jurisdiction, powers, duties, authority, and qualifications; to render him liable to all the pains and penalties of other circuit judges of the State of Alabama; and to provide for and fix the salary of such judge.

Committee on Finance and Taxation.

By Mr. Stewart:

S. 630. To provide for the joint ownership and operation of systems and facilities for the generation, transmission, transformation and distribution, or any of them, of electric power and energy which systems and facilities may be situated within or without the State or partly within and partly without the State; to authorize each town, city or incorporated municipality, each electric board (public corporations organized under Act No. 175 of the 1951 Regular Session of the Alabama Legislature, as amended) and each electric corporative (corporations organized under Article 1, Chapter 3 of Title 18 of the Alabama Code of 1940, as amended) to plan, finance, develop, acquire by purchase or construction, lease as lessee or lessor, improve, enlarge, own, operate, manage and maintain such systems and facilities or any part thereof or undivided interest therein, jointly or in cooperation with, and to enter into and carry out the provisions of any contract or contracts with respect thereto with one or more other municipalities, electric boards, cooperatives, or any other person, firm or corporation including, without limitation, any municipal electric authority incorporated as a public corporation under the laws of the State heretofore or hereafter enacted, the State of Alabama, the United States of America or any other State, or any agency or any of them, or any public or private corporation organized under the laws of any State or of the United States of America heretofore or hereafter enacted; to provide that such contract or contracts may contain such provisions as the parties thereto may determine, including the designation of an agent to act for all parties to the contract and the arbitration of disputes; to authorize any municipality, electric board or cooperative to issue its bonds and bond anticipation notes to pay the cost of its interest in such systems and facilities and to pledge to payment of its bonds the revenues from its interest in such systems and facilities and from any electric system owned by it; to provide that such bonds shall be legal investments and eligible as security for the deposit of public funds; to authorize any municipality, electric board and cooperative to enter into trust indentures and other contracts with respect to its bonds and to fix, maintain and alter rates, fees and charges for the use of and for services furnished by any electric systems and facilities or interest therein owned by it; to provide that this Act shall be deemed to provide additional and alternative methods and shall be supplemental and additional to the powers conferred by other laws and not in derogation of any existing powers; to exempt the issuance of bonds by any municipality, electric board or cooperative from all requirements of existing laws applicable to the issuance of bonds; to exempt from all

proceedings, notice or approval requirements of all existing laws of the acquisition of any property or project or the making of any loans or the issuance of any bonds or instruments or the exercise of any of the powers or authorities granted in this Act, by any municipality, electric board or cooperative; to exempt all municipalities, electric boards and cooperatives and their electric systems and facilities and interest therein from regulations by the Alabama Public Service Commission; to exempt every municipality, electric board and cooperative issuing bonds under the Act from the laws of the State of Alabama governing usury; to exempt all contracts made by municipalities, electric boards and cooperatives in the exercise of any power or authority under the Act from the provisions and requirements of Act No. 217 adopted at the 1967 Special Session of the Alabama Legislature, as amended, with respect to competitive bidding; and to provide that all property of any municipality or electric board acquired in the exercise of any right or power granted in the Act and the income therefrom, all bonds issued by any municipality or electric board under the Act and interest therefrom and all deeds, indentures and other documents executed by or delivered to any municipality or electric board shall be exempt from all state, county, municipal and other taxation in the State.

Committee on Commerce, Transportation,  
and Utilities.

By Mr. Stewart:

S. 631. To provide for and authorize the incorporation of Municipal Electric Authorities as public corporations of the State of Alabama for the purpose of planning, financing, developing, acquiring, constructing, reconstructing, improving, enlarging, owning, operating and maintaining systems and facilities for the generation, transmission, transformation and distribution, or any of them, of electric power and energy, which systems and facilities may be situated within or without the State of Alabama; to authorize any two or more municipalities to incorporate and organize an Authority; to authorize municipalities to become members of an Authority and to appoint a board of commissioners to exercise the powers of such Authority as herein provided; to provide for an executive committee and officers of such board; to grant powers to an Authority including the power of eminent domain; to provide that an Authority may exercise any one or more of the powers, rights and privileges conferred upon it either alone or jointly or in common with one or more other parties, municipalities, corporations, electric boards, cooperatives, or public or private utilities located either within or without the State of Alabama or partly within and partly without the State; to authorize an Authority to issue and sell its bonds or notes; to provide that the bonds, notes and other obligations of an Authority shall not be a debt or obligation of the State or of any municipality but shall be payable solely from the revenues of its facilities or its undivided interest therein; to provide for the execution and delivery by an Authority of mortgages, deeds or trust and other instruments of security for the benefit of such obligations; to provide that bonds issued by an Authority shall be legal investments and also eligible as security for the deposit of public funds; to provide that the property of an Authority and the income therefrom, all bonds and the interest thereon, and all deeds, mortgages, trust indentures and other instruments executed by or delivered to an Authority shall be exempt from all state, county, municipal and other taxation in the State; to grant legislative consent to the application of the laws of other states with respect to taxation and



payments in lieu of taxation by an Authority on any systems or facilities situated without the State; to exempt an Authority from the laws of the State of Alabama governing usury; to exempt all contracts made by an Authority in the exercise of any power or authority under this Act from the provisions and requirements of Act No. 217 adopted at the 1967 Special Session of the Legislature of Alabama, as amended, with respect to competitive bidding; to exempt an Authority, in the exercise of any powers and authorities granted under this Act, from the jurisdiction and control of the Public Service Commission and all other regulatory bodies and agencies of the State of Alabama; to provide for the use of the public roads by an Authority; and to make other provisions for the operation of an Authority by its board of commissioners and the planning, financing, developing, acquiring, construction, reconstruction, improving, enlarging, owning, operating and maintaining any such systems or facilities.

Committee on Commerce, Transportation,  
and Utilities.

By Messrs. McDonald (S), Baker, Roberts and St. John:

S. 632. To amend the title and Sections 1, 4, 6, 8 and 10 of Act No. 14, H. 5, Special Session of 1969 (Acts 1969, p. 28), which act established the Alabama Commission of Higher Education, so as to further provide for the powers, duties and authority of the Commission.

Committee on Education.

By Mr. McDonald (S):

S. 633. To propose an amendment to the Constitution relating to ad valorem taxation assessment classification.

Committee on Finance and Taxation.

The above Bill was read a first time at length as required by the Constitution.

By Messrs. McDonald (A) and Mims:

S. 634. To amend Act No. 1949, H. 894, Legislature of 1971 (Regular Session), approved September 20, 1971 (Acts of 1971, Vol. IV, p. 3151), an Act "to regulate the sale, offering for sale, distribution and transportation of pesticides by prescribing certain conditions and requirements therefor" etc., by amending Section 3 of said Act to make it unlawful for a person to use any pesticide in a manner inconsistent with its label.

Committee on Agriculture.

By Messrs. McDonald (A) and Mims:

S. 635. To further regulate persons performing professional work or services pertaining to entomological, pathological, horticultural, floricultural and tree surgery work as defined in Chapter 7 of Title 2 of the Code of Alabama of 1940, as amended, and to regulate weed control work which requires the use and application of restricted use pesticides and other pesticides for eradication or control of insect pests, plant diseases and other pests and related activities involving use and application of restricted use and other pesticides to the end that the use and application of such pesticides will be conducted in accordance with requirements of the Federal Insecticide, Fungicide and Rodenticide Act and the Federal

Environmental Protection Agency by requiring additional requirements for persons performing such services or work; to prescribe the qualifications for persons performing the aforesaid work; to prescribe the materials used and methods of application of such pesticides, the handling and disposal of these materials, identification of equipment used, records to be maintained as well as the requirements for the issuance of a permit to perform such work and other related regulatory requirements; to provide that the provisions of this Act shall be cumulative or supplemental to other regulatory laws pertaining to the use and application of pesticides, the enforcement and penal provisions and the effective date of this Act.

Committee on Agriculture.

By Messrs. McDonald (A) and Mims:

S. 636. To regulate the use of pesticides; authorize the establishment of categories of pesticide applicators; provide for the certification by category, of persons who use or supervise the use of toxic and dangerous pesticides; prescribe the requirements for certification; require persons engaging in custom application of pesticides to be licensed; fixing the licensing requirements, fees, record keeping requirements, and financial responsibility requirements; to empower the Commissioner of Agriculture and Industries to administer and enforce the requirements of this Act, prescribing his duties and authority, and to authorize the adoption of rules and regulations for implementation of this Act; to provide for exemptions from the requirements of this Act; to provide enforcement provisions and penalties for violation of this Act; to provide judicial review for persons aggrieved by actions resulting from the enforcement of this Act and to repeal conflicting laws including Act No. 1957, Legislature of 1971 (Regular Session), approved September 20, 1971, as amended.

Committee on Agriculture.

By Mr. McDonald (S):

S. 637. To propose to amend further Article V, Section 116 of the Constitution of Alabama so as to provide that the governor and lieutenant governor shall not be eligible as his own successor.

Committee on Constitution and Elections.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Wilson:

S. 638. To provide for a supplemental salary for the circuit judges of the Fourteenth Judicial Circuit, to be paid by the county comprising such circuit; and to fix the amount and method of payment thereof.

Committee on Local Legislation No. 1.

By Mr. McDonald (S):

S. 639. To amend Code of Alabama 1940, Title 52, Section 361, as amended, to provide in subsections (4) and (7) for the election of the secretary of the State Tenure Commission and certain members of the Commission, and further provide for the maintenance of records by the State Department of Education.

Committee on Education.

By Mr. McDonald (S):

S. 640. To require certain sponsors of public events to provide a seating diagram on or accompanying all admission tickets sold; to provide exceptions and penalties.

Committee on State Government.

By Mr. Owen (with notice and proof):

S. 641. Relating to Baldwin County; providing for a more convenient and economical system of serving notices to delinquent taxpayers.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 641, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Bank:

S. 642. Proposing an amendment to the Constitution of Alabama relating to the abolition of the offices of Tax Assessor and Tax Collector in Pickens County and for the consolidation of the duties of said offices into a new office.

Committee on Local Legislation No. 1.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Owen:

S. 643. To amend Section 2 VI A (24) of Act No. 763, H. 387, 1976 Regular Session (Acts of 1976, p. 1047) entitled "An Act To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, and for the interest on the public debt and for the public schools", so as to make a change in one of the figures contained in the appropriation to the Alabama State Forestry Commission.

Committee on Finance and Taxation.

By Mr. Owen:

S. 644. Authorizing any natural gas utility to condemn for its use certain interests in land for the underground storage of natural gas; prescribing certain duties of the state oil and gas board in connection with such condemnation; prescribing the procedure for and placing certain limitations on such condemnation; regulating the underground storage of natural gas and providing for protection of the ownership of stored gas.

Committee on Finance and Taxation.

By Mr. Bank:

S. 645. Relating to all counties having a population of not less than 18,500 nor more than 20,500 inhabitants according to the 1970 or any

subsequent federal decennial census; to provide for a certain clerk hire allowance for the Tax Assessor and Tax Collector of such counties.

Committee on Local Legislation No. 1.

By Mr. McDonald (S):

S. 646. Proposing an amendment to the Constitution of Alabama that further regulates the length of certain sessions of the legislature and provides that each fourth regular session of each term of office of the legislature shall be restricted to the subjects of the budget and measures recommended by the governor, and any other matters shall require the affirmative vote of two-thirds of the elected members of each house.

Committee on Constitution and Elections.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Baker:

S. 647. To further amend Section 259 of Title 46 of the Code of Alabama of 1940, as amended, which relates to the State Board of Medical Examiners granting certificates of qualification to practice medicine so as to alter the provisions regulating issuance of certificates of qualification on the basis of a shortage of physicians in a county.

Committee on Health and Welfare.

By Mr. McMillan:

S. 648. Relating to counties having populations of not less than 600,000; to provide that no person shall be registered as an elector within 21 days prior to an election.

Committee on Local Legislation No. 2.

By Mr. McMillan:

S. 649. Relating to counties with populations of not less than 600,000; to authorize and direct the establishment of a permanent list of absentee voters for physically incapacitated electors.

Committee on Local Legislation No. 2.

By Mr. McMillan:

S. 650. To amend Section 1 of Act No. 1201, S. 688, 1975 Regular Session (Acts 1975, p. 2380) relating to the creation of a Criminal Justice Advisory Commission so as to include the president of the Alabama Sheriff's Association as a member of the commission.

Committee on Judiciary.

By Mr. Edwards:

S. 651. Proposing an amendment to the Constitution of Alabama to abolish the office of constable in Morgan County.

Committee on Local Legislation No. 1.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Jones:

S. 652. To amend further Section 12 of Act No. 999, H. 288, Regular Session 1969 (Acts 1969, p. 1855) now appearing in the Code of Alabama 1940, Recompiled 1958, Title 55, Section 475 (48) so as to provide further for the Alabama peace officers annuity and benefit fund.

Committee on Finance and Taxation.

By Mr. Jones (with notice and proof):

S. 653. To provide for the reopening of the Employees' Retirement System of the City of Montgomery in Montgomery County to those employees with prior service, who either declined membership at the time of establishment, or who have nonmembership service but who later joined the Employees' Retirement System; to reopen said system to employees who have creditable service for which they are ineligible to gain credit for reasons other than nonmembership; and to repeal all conflicting statutes.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 653 as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Jones:

S. 654. To further regulate the payment of certain valid claims by certain health insurance companies in this state.

Committee on Insurance.

By Mr. Pearson:

S. 655. To appropriate the sum of five hundred thousand dollars (\$500,000) for the construction at Fort Toulouse of a combination archaeological laboratory and interpretive center building.

Committee on Finance and Taxation.

By Messrs. Edwards and St. John:

S. 656. Proposing an amendment to the Constitution of Alabama providing for the levying and collecting of an additional ad valorem tax for community based mental health and community based mental retardation and other developmental disabilities purposes in the counties of Cullman, Lawrence, Limestone, Morgan or any one of the said counties.

Committee on Finance and Taxation.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Peden:

S. 657. To amend Section 2 of Act No. 669, H. 792, 1939 Regular Session (Acts of 1939, p. 1604, now appearing in Code of Alabama, Recompiled 1958, Title 48, Section 301(2)) entitled "Application of article," so as to exempt certain city school busses from mileage tax.

Committee on Finance and Taxation.

By Mr. Adams:

S. 658. To amend Title 33, Section 37, Code of Alabama 1940, which declares and sets forth the Mechanics and Materialman's lien, so as to include Land Surveying and Engineering Services under the provisions of this lien statute.

Committee on Judiciary.

By Messrs. Roberts, Fine, King, Goodwin, Perloff, Baker, Teague, Ellis, Stewart, Owen, McDonald (S), Bank, Higginbotham, Waldrop, Adams, Mims, Vacca and Edwards:

S. 659. To create and establish the Yacht Club Association of Alabama; to provide for its organization, powers and duties with respect to member clubs; to provide qualifications for admission of such member clubs to the state association; to provide a State Board of Commodores which shall govern the association and to prescribe their powers and duties; and to provide for the construction of an ocean racing sailing vessel to represent all of the state's yacht clubs, the people of Alabama, and the State of Alabama.

Committee on Seaports and Inland Waterways.

By Mr. Perloff:

S. 660. To provide for the public offense of hunting within one-half mile of a wildfire, and prescribing misdemeanor punishment upon conviction.

Committee on Conservation.

By Mr. Perloff:

S. 661. Relating to banking; to provide for the establishment, with the prior consent of the Superintendent of Banks, of branch banking offices of banks organized under the laws of the State of Alabama within the county wherein the bank maintained its principal banking office, in any county within which the bank maintains a branch banking office on February 28, 1977, and in any county which was, on February 1, 1977, within the same Standard Metropolitan Statistical Area as the county within which the principal banking office of the bank is located; to provide for the continued maintenance of branch banking offices upon a bank becoming a subsidiary of a bank holding company or other company or upon the conversion, merger or consolidation of one or more banks; to permit any bank to establish, operate, maintain, remove or relocate offices, facilities or places of business other than principal or branch banking offices; to validate the lawfulness of branch banking and other offices or facilities existing on the effective date hereof; to repeal acts inconsistent herewith; to provide that the provisions of this Act are severable and to provide for the effective date of this Act and sections hereof.

Committee on Banking.

By Mr. Mitchell:

S. 662. To appropriate funds annually from the Alabama Special Education Trust Fund to provide \$125 assistance with hospital-medical insurance for persons who are retired under the provisions of the Alabama Teachers' Retirement System.

Committee on Finance and Taxation.

By Messrs. Noonan, Stewart, Wilson, Vacca and Higginbotham:

S. 663. To provide for an annual report by the Governor to the members of the legislature stating his administration's policies and goals on certain subjects.

Committee on Finance and Taxation.

By Mr. Mitchell:

S. 664. To provide an additional clerk hire allowance for the probate judge in all counties having a population of not less than 16,275 nor more than 16,575 according to the 1970 or any subsequent federal decennial census, giving this act retroactive effect.

Committee on Local Legislation No. 1.

By Mr. Mitchell:

S. 665. Relating to counties having populations of not less than 16,275 nor more than 16,575 according to the 1970 or any subsequent federal decennial census, establishing regular meeting dates for the county governing bodies of such counties, and providing retroactive effect.

Committee on Local Legislation No. 1.

By Mr. Powell:

S. 666. To provide for refunds on overpayment or erroneous payment of taxes or licenses to the alcoholic beverage control board, and for refunds of taxes prepaid to board where losses of tax paid alcoholic beverages are sustained prior to sale of alcoholic beverages at retail; and to provide a refund procedure.

Committee on Finance and Taxation.

By Mr. Vacca:

S. 667. To provide that the Chief Examiner of Public Accounts and the Assistant Chief Examiner of Public Accounts shall be subject to the rules and statutes regulating sick, annual and other leave as apply to classified employees under the state merit system.

Committee on State Government.

By Mr. Little:

S. 668. To provide an exemption from the payment of state or local sales tax for indigents who receive eyeglasses or other goods or services furnished charitably by the Auburn Lions Club, of Auburn, Alabama.

Committee on Finance and Taxation.

By Mr. Little:

S. 669. To make an additional appropriation for other expenses for use of the Office of the State Toxicologist for the fiscal year ending September 30, 1977.

Committee on Finance and Taxation.

By Mr. Little:

S. 670. To provide for the deposit by the various municipalities of this state of municipal funds in demand deposits and in time deposits, open

account, in municipal depository banks, and providing a procedure to accomplish such deposits.

Committee on Local Government.

By Mr. Baker:

S. 671. Providing for the expiration of any lease of oil, natural gas, or other mineral rights or any other conveyance, exception or reservation of any kind separating oil, natural gas or other mineral rights or interests from the freehold estate of land and providing for the reversion of such rights or interests to the owner of the estate out of which such rights or interests were carved.

Committee on Judiciary.

By Mr. Powell:

S. 672. To appropriate the sum of five hundred thousand dollars (\$500,000) for the construction at Fort Toulouse of a combination archaeological laboratory and interpretive center building.

Committee on Finance and Taxation.

By Mr. Baker:

S. 673. To provide the district attorney of the Ninth Judicial Circuit with a secretary and an investigator; and to further provide that the salaries and expenses of such be paid by the counties comprising the circuit, upon expiration and depletion of funding and grants available or provided from the federal government for such purposes.

Committee on Local Legislation No. 1.

By Mr. Higginbotham:

S. 674. To amend Section 4 of Act No. 1213, H. 844, Regular Session 1971 (Acts 1971, p. 2115), relating to compensation for disability or death of certain municipal policemen or state troopers caused by certain occupational diseases, so as to remove the provision making the act inapplicable to municipalities covered by workmens compensation and make it inapplicable to any municipal law enforcement officer who is entitled to benefits under Workmens Compensation Insurance carried by the municipality.

Committee on Finance and Taxation.

By Messrs. Higginbotham and Baker:

S. 675. To provide further for the punishment of a person upon his second conviction for the offense of driving while intoxicated.

Committee on Judiciary.

By Messrs. Higginbotham and Baker:

S. 676. To amend Title 36, Section 2, Code of Alabama 1940, relative to punishment for driving while intoxicated, so as to raise the minimum fine to \$250.00.

Committee on Judiciary.



By Messrs. Higginbotham and Little:

S. 677. Relating to all counties having populations of not less than 35,000 nor more than 38,000 inhabitants according to the 1970 or any subsequent federal decennial census, to authorize and provide for an additional expense allowance for the sheriff of any such county.

Committee on Local Legislation No. 1.

By Messrs. Higginbotham and Adams:

S. 678. To make an appropriation to the Alabama Historic Chattahoochee Commission to be used by Barbour, Chambers, Dale, Henry, Houston, Lee and Russell counties for the purpose of purchasing and preserving historical structures.

Committee on Finance and Taxation.

By Mr. Wilson:

S. 679. To appropriate the sum of three million dollars (\$3,000,000) to the State Department of Public Health—Medicaid Account from any funds available in the state treasury to the credit of the Department of Pensions and Security.

Committee on Finance and Taxation.

By Messrs. King, McDonald (A), Adams, St. John, Roberts, Edwards, Baker and Miller:

S. 680. Relating to voter registration; to provide for a board of registrars, their duties, terms and compensation; to provide for the registration of electors; to provide for clerical help and office supplies for registrars; to provide for compilation and maintenance of voting records by the board of registrars; to provide for meetings and times and places of registration by the board; to provide for the attendance by at least one registrar at the courthouse on each regular working day except when the full board is in session; to provide for purging of voter lists; to provide the suspension of registration for failure to vote; to require boards of registrars to administer absentee voting; to provide penalties for certain violations; to provide for the publication of the list of registered voters; to provide for deputy registrars; and to repeal Code of Alabama, Title 17, Sections 12 through 54 inclusive, Act No. 585, H. 216, 1949 Regular Session, Act No. 531, S. 101, 1947 Regular Session, Act No. 577, H. 66, 1959 Regular Session, Act No. 253, H. 11, 1964 Special Session, Act No. 346, H. 250, 1945 Regular Session, Act No. 6, H. 18, 1950 Special Session, Act No. 92, H. 169, 1961 Regular Session, Act No. 482, H. 71, 1947 Regular Session, Act No. 266, S. 122, 1949 Regular Session, Act No. 529, H. 283, 1957 Regular Session, Act No. 829, S. 98, 1965 Regular Session, and Act No. 750, H. 247, 1951 Regular Session.

Committee on Constitution and Elections.

By Mr. King:

S. 681. To be known as the Alabama Administrative Procedure Act, providing for the effect, processing, promulgation, publication, and inspection of state agency rules, determinations and other matters; providing for state agency administrative procedures and contested cases and appeals therefrom in licensing and other matters; providing for judicial and legislative review of rules; and providing for the establishment

and maintenance of a joint legislative committee to review all rules of state agencies with power to appoint and hire a staff; requiring every state agency that promulgates rules or regulations to give reasonable public notice thereof; and providing for the indexing and publication of agency rules and for penalties for violations of this Act; and repealing specific code sections and statutes that conflict herewith as well as all other laws that conflict with this Act.

Committee on State Government.

By Mr. King:

S. 682. To provide further for the conduct of elections in the State of Alabama, including reporting of and limitation on political contributions and expenditures, prohibiting specified acts in connection with elections, and providing for definitions of certain words and phrases used in the act; to exclude from certain provisions of the act candidates with respect to which expenditures aggregating less than \$1,000 are made; to provide for certain requirements in connection with the organization and operation of political committees including the officers thereof, the manner of receiving and holding contributions thereby, record keeping practices of such committees, retention of records, notice of unauthorized activities, designation by a candidate of a principal campaign committee, and the filing of reports with such principal campaign committee; to provide for the registration of political committees, the contents of registration statements, amendments to registration statements, notice in the event of disbanding of political committees and of certain other events, and the filing of reports by political committees other than principal campaign committees; to provide for reports of receipts and expenditures, including the deadline for the filing of such reports, the contents of such reports, the periods required to be covered by such reports, reporting of contributions or expenditures by persons other than a political committee or a candidate; to provide for preservation of copies of reports required under the act, treatment of debts, pledges, etc. in reports, and to make provision for filing by registered or certified mail; to provide for reports by persons other than an individual or political committee; to provide for campaign depositories, petty cash funds and the mode and manner of making deposits to and withdrawals from such depositories and funds; to provide for a State Election Commission, to provide for the members and terms of members of such Commission and the mode and manner of appointment of such members, to prohibit from membership on the Commission any person who has qualified to run for office or who has held any federal, state or local public office within five years prior to appointment, to provide for the officers of the Commission, to provide for the compensation and reimbursement of expenses of officers of the Commission, to provide for the power of the Commission, including the power to promulgate and adopt rules and regulations, to issue subpoenas and compel testimony, to institute and prosecute actions in the courts, and to appoint hearing examiners to take evidence in matters before the Commission, to provide for the duties of the Commission in implementing the provisions of the act, to provide that the Secretary of State shall perform the ministerial functions of the Commission, to provide for the manner of filing and hearing complaints of violations of the act and of other election laws by the Commission, to provide for remedies to be applied by the Commission upon the finding of a violation of the provisions of the act or of the election laws of the State, to provide for the calling of new elections in the event of certain violations of the act and the manner of holding such elections, to

provide for the time within which the Commission must act in considering complaints brought under the provisions of the act and for appeals from certain orders of the Commission, to provide that the Attorney General shall provide legal advice to the Commission and shall represent the Commission in court proceedings; to provide limitations on contributions and expenditures of persons, firms, labor unions, political committees, candidates and others, to provide for the adjustment of limitations on expenditures based on the consumer price index; to provide for permissible use of contributed amounts remaining after payment of the campaign expenditures; to prohibit intimidation of voters, to declare intimidation of voters to be a criminal act, and to provide penalties therefor; to prohibit expenditures to influence voting, to declare the making of expenditures to influence voting a criminal act, and to provide penalties therefor; to prohibit deprivation of employment or other benefit for political activity, to declare deprivation of employment or other benefit for political activity a crime, and to provide a penalty therefor; to prohibit publication or distribution of political statements without identification of the persons sponsoring such statements, to declare publication or distribution of political statements without identification of the persons sponsoring such statements a crime, and to provide a penalty therefor; to prohibit contributions in the name of another, to declare the making of contributions in the name of another a crime, and to provide a penalty therefor; to limit contributions of currency, to declare contributions of currency, to declare contributions of currency in excess of such limitation to be criminal acts, and to provide penalties therefor; to prohibit fraudulent misrepresentation of campaign authority, to declare fraudulent misrepresentation of campaign authority a crime and to provide penalties therefor; to declare contributions or solicitation of contributions by corporations corrupt practices; to enumerate and define certain other practices at elections as corrupt practices; to repeal certain laws including Sections 268 to 286, inclusive, of Title 17 of the Code of Alabama of 1940, as amended, and all other laws in conflict with the provisions of the act to the extent of such conflict; to declare that the provisions of the act are severable and that a ruling that one portion of the act is unconstitutional or invalid shall not affect the remaining portions of the act; to provide for the effective date of the act.

Committee on Constitution and Elections.

By Mr. King:

S. 683. Relating to elections; to amend the nominating procedure by changing the date for primaries, beat or mass meetings, canvass and tabulation of returns, refusal of run-off and certification of nominees and independent candidates; for such purposes, to amend Act No. 1196, S. 1018, 1975 Regular Session (Acts 1975, p. 2349) which relates to primary elections; to repeal Code of Alabama 1940, Title 17, Section 145; and to repeal other conflicting laws.

Committee on Constitution and Elections.

By Mr. King:

S. 684. To establish a limit on the cost of gifts given by Savings and Loan Associations as an inducement to investment in its shares on investment certificates.

Committee on Banking.

By Mr. Perloff:

S. 685. Relating to the Pardon and Parole Board, further regulating salaries of the chairman and members.

Committee on Finance and Taxation.

By Mr. Ellis:

S. 686. To further amend Title 36, Section 19, Code of Alabama 1940 as amended, to designate the penalty for the unauthorized use of a blue lighted lamp or red lighted lamp on any motor vehicle and the penalty for the unauthorized sale of any such lighted lamps and the penalty for using any such lighted lamps in the commission of a crime.

Committee on Local Government.

By Mr. Ellis:

S. 687. To create an office of handicapped individuals within the rehabilitation division of the department of education which will provide certain programs and services for handicapped persons of the state.

Committee on Education.

By Messrs. Ellis, Vacca and Gilmore:

S. 688. To provide and regulate a tax exemption for annexed territory of incorporated municipalities with populations of 2,000 or more in any county having a population of 600,000 or more according to the 1970 or any subsequent federal decennial census.

Committee on Local Legislation No. 2.

By Messrs. Ellis, Vacca and Gilmore:

S. 689. Proposing an amendment to the Constitution of Alabama, which if approved by the electors of the State, would authorize the governing body of Jefferson County to establish, from time to time, in the manner prescribed in said amendment, the salaries for the officers of said County.

Committee on Local Legislation No. 2.

The above Bill was read a first time at length as required by the Constitution.

By Messrs. Ellis, Vacca and Gilmore:

S. 690. Proposing an amendment to the Constitution of Alabama, which if approved by the electors of the State would authorize the governing body of any county of the State to establish, from time to time, in the manner prescribed in said amendment the salaries of each member of the governing body of the county.

Committee on Local Government.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Mims:

S. 691. Relating to sales between merchants as defined by Act No. 549, Senate Bill 2 of the Regular Session of 1965, approved August 23,

1965; amending Section 2-104 (3) of that Act by adding thereto a provision that sales of crops by farmers to dealers, traders or brokers in agricultural commodities, and purchases of agricultural goods by farmers from merchants who deal in goods of that kind, are "between merchants" as defined by the Uniform Commercial Code of Alabama.

Committee on Agriculture.

By Mr. McDonald (A) (with notice and proof):

S. 692. Relating to Limestone County; granting the tax collector of such county an additional 10 days in November in which to effect the disbursement of taxes as required by Title 51, Section 223, Code of Alabama, 1940.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 692, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Pearson:

S. 693. To amend Section 4 of Act No. 295, S. 69, 1961 Regular Session (Acts of 1961, p. 2353) relating to determination of paternity of illegitimates so as to require support of such illegitimates until their eighteenth birthday.

Committee on Judiciary.

By Mr. Teague:

S. 694. To amend further Section 263, Title 26, Code of Alabama 1940, as last amended relating to the Workmen's Compensation Law so as to include all employees of the Alabama Institute for the Deaf and Blind and of all local, county and city school boards under the provisions of said law.

Committee on Education.

By Mr. Teague:

S. 695. To amend Section 18 of Act No. 403, H. 330, 1971 Regular Session (Acts of 1971, p. 689) as amended, entitled "An Act Requiring the registration and licensing of barbers and barber apprentices, and barber colleges, creating for the administration of this act a State Board of Barber Examiners, and defining violation of this act and prescribing penalties therefor" so as to delete Talladega County from the list of counties to which this act does not apply.

Committee on State Government.

By Mr. Shelby:

S. 696. To create the "Alabama Crime Victim's Compensation Commission", to review and determine the validity of claims of certain innocent victims of crimes and award compensation therefor; to establish the membership, powers and duties of the commission; to provide for judicial review; to provide the right of subrogation and restitution actions;

and to make an appropriation for the fiscal year ending September 30, 1977, to implement the provisions of this act.

Committee on Finance and Taxation.

By Mr. Waldrop:

S. 697. To amend Sections 2, 3, 35, and 36 of Act No. 100, S. 68, 1959 Regular Session (Acts of 1959, p. 569), relating to the practice of dentistry so as to require the election of two dental hygienists to the Board of Dental Examiners; to require a dental hygienist to be present for quorum board meetings; to set educational requirements for dental hygienists; and to allow the use of the designation, Registered Dental Hygienists.

Committee on Health and Welfare.

By Mr. Teague (with notice and proof):

S. 698. Relating to St. Clair County; prohibiting the use of any electronic amplifying device in hunting fox, and prescribing penalties.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 698, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Teague:

S. 699. To require Talladega County to provide a civil service merit system governing its law enforcement officers or to enter into an agreement for participation in the state merit system.

Committee on Local Legislation No. 1.

By Mr. Ellis:

S. 700. To amend further Section 2 of Act No. 312, H. 760, 1959 Regular Session (Acts of 1959, p. 889) now appearing in Section 70 (3), Title 29, Code of Alabama 1940, relating to tax on the sale of spirituous or vinous liquors so as to provide further for the distribution of the proceeds of such tax.

Committee on Finance and Taxation.

By Mr. King:

S. 701. To amend Title 41, Section 1, Code of Alabama 1940, Recompiled 1958, relating to the state board of pardons and paroles, so as to add two additional members and provide for their terms of office, and to provide that the presiding judge of the court of criminal appeals be a member of the nominating board for the board of pardons and paroles, and to delete certain salary provisions for members of the board, which provisions have been superseded by subsequent law.

Committee on Finance and Taxation.

By Mr. McMillan (with notice and proof):

S. 702. To amend Section 167, Title 62, Code of Alabama of 1940 so that said Section 167, as amended, will provide in substance as follows:

that in Jefferson County the Office of Coroner is abolished and that all powers, rights and duties now or hereafter authorized or required by law to be performed by coroners shall be exercised and performed by the county governing body through appointed Coroners/Medical Examiners, representatives or agents, for the performance of such duties in the entire county or in a designated portion thereof; that the county governing body shall be authorized to promulgate rules and regulations governing the operation of the Coroners'/Medical Examiners' office and the performance of the duties of the members of the staff; that the employment and compensation of such Coroners/Medical Examiners, representatives or agents shall be governed by any applicable civil service law; that each Coroner/Medical Examiner shall be a physician licensed to practice medicine in Alabama and recognized and trained in forensic medicine and pathology; that when there is more than one Coroner/Medical Examiner on the staff, the county governing body shall designate one of them as the Chief Coroner/Medical Examiner, and until such designation the Coroner/Medical Examiner longest in the continuous service of the County shall be the Chief Coroner/Medical Examiner; that the Chief Coroner/Medical Examiner shall direct the staff, subject to the supervision of the county governing body; that it shall be the duty of the Chief Coroner/Medical Examiner to investigate and determine, or to secure another Coroner/Medical Examiner to investigate and determine the cause and manner of any death when any death falls within one or more of the following categories: (a) criminal violence or criminal neglect, (b) suicide, (c) accident, (d) suddenly when in apparent good health, (e) unattended by a practicing physician, (f) suspicious or unusual circumstances, (g) criminal abortion, (h) poisoning, (i) diseases constituting a threat to public health, (j) disease, injury or toxic agent resulting from employment, (k) while under anesthesia or within twenty-four hours following anesthesia or any other diagnostic or therapeutic procedure, (l) in any prison or penal institution, (m) when in police custody, (n) when a body is to be cremated, dissected or buried at sea, (o) unclaimed bodies, and (p) when a dead body is brought into this State without proper medical certification; that in investigating a death under Section 167, a Coroner/Medical Examiner shall be authorized to take charge of the dead body, to investigate the circumstances of the death, to conduct or have conducted an autopsy, and whether or not there is an autopsy, to take and retain whatever tissues and biological samples he deems necessary, including blood and/or urine, from the body of a person which he deems necessary to establish the cause and manner of such person's death, and to take possession of any object or article which in his opinion would be useful in establishing the identity of the deceased and/or the cause and manner of death; that there shall be vested in Medical Examiners all the authority now or hereafter vested in coroners by the law of Alabama, including the authority Section 76, Title 15, Code of Alabama of 1940, herein called "Section 76", vests in coroners to make inquiry of the facts and circumstances of the death of any person who has been killed or has suddenly died under such circumstances as to afford a reasonable ground for belief that such death has been occasioned by the act of another by unlawful means, and the authority Section 76 vests in coroners to submit to a judge of a court of record or a district attorney sworn written statements of witnesses having personal knowledge of such circumstances, and to summon, upon direction of such judge or district attorney, a jury to inquire into the cause and manner of such person's death; and that no member of the county governing body, Coroner/Medical Examiner, registered nurse or appointed assistant, shall incur any civil or criminal liability for his actions under Section 167.

I hereby certify that the Notice and Proof is attached to the Bill, S. B. 702, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Mims (with notice and proof):

S. 703. Relating to Monroe County; providing for a monthly expense allowance for county commissioners of Monroe County.

Committee on Local Legislation No. 1.

I hereby certify that the Notice and Proof is attached to the Bill, S. B. 703, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Stewart:

S. 704. To create a residential utility consumer action group; and to prescribe its powers, duties, rights and the funding thereof.

Committee on Finance and Taxation.

By Mr. McDonald (A):

S. 705. To limit the amount of earnable compensation upon which retirement benefits may be calculated for circuit court judges, district court judges and district attorneys.

Committee on Finance and Taxation.

By Mr. McDonald (A):

S. 706. To limit the amount of earnable compensation upon which retirement benefits may be calculated for all judges of the state except probate judges.

Committee on Finance and Taxation.

By Mr. Powell:

S. 707. To amend Sections II, III, IV and VIII of Act No. 276, S. 170 of the 1971 3rd Special Session (1971 Acts, p. 4544; appearing in Code of Alabama 1940, Recompiled 1958, Title 23, Section 64 (17) ), entitled "An Act Relating to highways; to control and regulate the erection and maintenance of outdoor advertising devices or signs on lands adjacent to the federal-aid primary system and the national system of interstate and defense highways in Alabama; to provide compensation for removal or relocation of advertising devices; to define terms; to issue permits and collect fees therefor; to provide for violations and penalties; authorizing the highway director to adopt rules and regulations to carry out the provisions of this act; to provide how this act may be cited; and to provide a severability clause," so as to provide for allowing the retention of directional signs, displays or devices providing directional information about goods and services in the interest of the traveling public upon petition, declaration or resolution from any state, county or municipal agency, or any industry association or any group of private business persons or their employees providing information that the removal of such directional signs, displays or devices would work a substantial economic



hardship in specific or defined areas, the State Highway Department shall seek approval from the United States Secretary of Transportation to permit retention of such directional signs, displays and devices lawfully erected under state law in force at the time of their erection which do not conform to the requirements of the present state laws and where such signs, displays and devices are in existence on the effective date of this Act; and to provide that the State Highway Department shall adopt programs to assure that removal of directional signs, displays or devices providing directional information about goods and services in the interest of the traveling public be deferred until all other non-conforming signs on a statewide basis are removed.

Committee on Commerce, Transportation,  
and Utilities.

By Mr. Teague (with notice and proof):

S. 708. To prohibit the use of steel traps and similar devices and prohibiting the sale of any pelts taken in St. Clair County, Alabama, and to prescribe the punishment for violation of this act.

Committee on Local Legislation No. 1.

I hereby certify that the Notice and Proof is attached to the Bill, S. B. 708, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Owen:

S. 709. Proposing an amendment to the Constitution of Alabama establishing a Board of Higher Education; and repealing Section 264 of Article 14 of the Constitution of Alabama of 1901 and Amendment 161 of the Constitution of Alabama.

Committee on Finance and Taxation.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Owen:

S. 710. To reorganize the state institution of higher learning under the management and control of a Board of Higher Education; and to provide for the powers, duties and authority of such Board of Higher Education.

Committee on Finance and Taxation.

By Mr. St. John:

S. 711. To amend Sections 2 and 4 of Act No. 871, S. 795, 1975 Regular Session (Acts 1975, p. 1714) an act which provides for protection for the Governor and certain other State officials and distinguished visitors to the State by the State Department of Public Safety, so as to add the Chief Justice of the Supreme Court of Alabama to the designated officials to be protected.

Committee on Judiciary.

By Mr. St. John:

S. 712. To amend Act No. 42, Sections 1 and 3, First Special Session 1965 (Acts of Alabama Special Session 1965 page 62); now appearing in Title 13, Sections 60 (2) and 60 (4), Code of Alabama 1940 (Recompiled 1958), respectively, to provide that removal of the deputy clerk of the Supreme Court is removal for cause, and further provide that the salary of said deputy clerk is to be that of Attorney IV under the state merit system.

Committee on Judiciary.

### REPORTS OF COMMITTEES

Mr. St. John, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. King, McDonald (A) and Peden:

S. 579. This bill establishes a procedure whereby the circuit court clerk maintains a complete public record of a judge's sentencing history. This public record will be made available for inspection by the media and the general public at all times during normal working hours.

Mr. St. John, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Mitchell (With Amendment):

S. 493. To provide for the qualifications and selection of jurors; to provide for a master list, master jury box and trial court box; to provide for qualification forms and the questionnaires to be used thereon; and to repeal Sections 3, 4, 15, 18, 20, 21 and 24 of Title 30 of the Code of Alabama.

Mr. St. John, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. McMillan:

S. 119. To amend Section 61 of the Alabama Non-Profit Corporation Act of 1955 (Acts of 1955, p. 1254; now appearing in Code of Alabama, Recompiled 1958, Title 10, Section 263), so as to provide further for the availability of its provisions to existing corporations.

By Mr. Mitchell:

S. 265. To further amend the title and Section 1 of Act No. 1125, S. 369, Regular Session of 1969 (Acts 1969, p. 2084), which act authorizes and provides for appointment of police officers to maintain law and order at state colleges and universities, so as to provide for the appointment and authority of such officers on private college campuses within this state.

By Mr. Bank:

S. 275. To provide a procedure of the determination of a criminal defendant's capacity to proceed or continue to trial; to authorize the courts of this state to hold initial hearings on the question of capacity or incapacity, and to authorize courts to commit a defendant to the custody of the Department of Mental Health for further observation and evaluation; and to provide for involuntary civil commitment proceedings for persons adjudicated "not guilty by reason of insanity" and to provide the payment of costs of removing defendants to and from the custody of the Department of Mental Health; to amend Title 45, Section 222, Code of Alabama 1940, as Recompiled; and to repeal Title 15, Sections 425, 426, 427, 428, 429, 430 and 431, Title 45, Sections 222 and 223, Code of Alabama 1940, as Recompiled 1958.

By Mr. Pearson:

S. 323. To amend Section 131 of Title 29, Code of Alabama 1940, which section deems it unlawful to sell, give away or possess apparatus to be used for manufacturing any prohibited liquors or beverages so as to exempt from such provisions certain purchases of wine making kits.

By Mr. Gilmore:

S. 398. To authorize the collection by certain state officers of blood or urine samples from the bodies of persons who die under certain circumstances; and to relieve the officer of any civil liability which might be incurred by such collection.

By Mr. Adams:

S. 485. To amend Section 52 (1) (a), Title 36, Code of Alabama 1940, (Section 1(a), Act No. 220, Extra Session 1967, p. 277, approved May 10, 1967) to provide that persons arrested for violations of the motor fuel laws, Sections 665 (39) through 665 (54), Title 51, Code of Alabama 1940, as amended may deposit their chauffeur's or driver's license with the arresting officer or the court in lieu of any other security.

By Mr. Shelby:

S. 510. To amend Act No. 754, S. 231, Regular Session 1976 (Acts 1976, p. 1038), relating to certain alternative sentencing of convicted offenders, so as to provide further for the period of time for which an offender may be incarcerated.

By Mr. Fine:

S. 473. To provide for a law enforcement officers' bill of rights for all state, county and municipal law enforcement agencies in this state; defining certain rights of any officer accused of misconduct; providing for disciplinary hearings and adequate prior notice upon alleged misconduct of any officer; providing a uniform procedure for the composition of the complaint review boards of the various law enforcement agencies; providing that any law enforcement officer may bring civil suit for damages suffered while on official duty; providing for extraordinary emergency disciplinary action pending a full hearing on the allegations; providing that no officer may have disciplinary action taken against him by reason of exercising the rights granted hereby; providing for the receipt and processing of all written complaints; and providing sanctions by the district attorneys or state attorney by writ of injunction for

noncompliance with the provisions of this Act; and repealing conflicting laws.

By Mr. Miller:

S. 553. To provide for privileged communication between minister and counselee.

By Mr. Crowe, et al:

H. 329. To amend Title 14, Section 49, Code of Alabama 1940, as amended, to increase the punishment for conviction of the crime of blackmail from a misdemeanor to a felony, and providing punishment of from one to ten years imprisonment.

By Mr. Owens, et al:

H. 364. To require trial judges to charge the jury, in prosecutions for crimes for which the jury by law sets the punishment, as to when and how the defendant, if found guilty, might legally be granted parole, and to allow the prosecutor in such cases to argue the legal possibility of parole to the jury.

Mr. St. John, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with amendment, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Higginbotham, et al (With Amendment):

H. 383. To provide that any person convicted of any act, or attempt to commit the act, of murder, rape, robbery, or assault with a deadly weapon directly and proximately resulting in serious bodily harm to another shall serve the sentence imposed without parole; and to repeal conflicting statutes.

By Mr. Crowe, et al (With Amendment):

H. 392. To provide that individuals who are charged and convicted of murder in the first degree, robbery, burglary, and rape and are subsequently sentenced to life imprisonment, shall not be eligible for parole; and to repeal conflicting statutes.

Mr. St. John, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Manley and Callahan:

H. 717. To direct the Code Commissioner to correct an error which appears in Title 16, Chapter 13, Article 3, Section 16-13-56 of the Manuscript of the Code 1975, which was adopted by Act No. 20, H. 100 of the current session of the Legislature, the section of such manuscript which deals with the determination of the amount of local funds available for purposes of the minimum school program, in order to make this section correctly state the law on this subject.

By Messrs. Baker and Edwards:

S. 582. To provide protection to certain corporate citizens or residents of Alabama, their shareholders and employees and the public

against takeover offers which do not provide full and fair disclosure of all material information, which do not provide adequate time for consideration or which are based upon unfair or inequitable terms; to prescribe regulations to insure such protection; to provide for enforcement of such regulations; to prescribe penalty for violation of such regulations and to provide for review of certain takeovers by the Alabama Supreme Court.

Mr. St. John, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Gregg (With Amendment):

H. 9. To provide a comprehensive Correctional Incentive Program based on incentive for good conduct and work performed in the general operation of the prison and in prison industrial, agricultural, educational and work-release programs or other bona fide rehabilitative programs; to establish definitive criteria for qualification; to establish definitions for classifications under which sentence reductions may be earned; to prescribe for the loss of correctional incentive sentence reductions; to provide limitation of sentence reductions; to provide for notification of inmates; to provide certain responsibilities of the Board of Corrections and the State Board of Pardons and Paroles; and to repeal specific and conflicting laws.

Mr. St. John, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Falkenburg, Waggoner and White:

H. 198. A bill to promote the public health of the State of Alabama by safeguarding the financial integrity of health care institutions against malpractice claims; to authorize the establishment, maintenance, administration and operation of any trust established by hospitals or health care units, licensed as such by the State of Alabama, as grantors and as beneficiaries, for the purpose of insuring against general public liability claims based upon acts or omissions of such hospitals or health care units, including without limitation, claims based upon malpractice; to amend Section 12 of Act No. 407, Acts of Alabama, 1971 Regular Session (Section 12, Title 28A, Alabama Code of 1940, as amended), and particularly Section 12 thereof so as to exempt such insurance trust operations from all of the provisions of that title and of the Alabama Insurance Code; to limit the obligations and liabilities of any hospital or health care unit participating in such a trust to the obligation to pay the contributions required of it by any trust agreement to which it is a party; and to provide that this act shall apply to and shall confer all rights, privileges, exemptions and immunities upon any trust established for the purposes contemplated by this act, and the grantors, members, beneficiaries, participants and trustees thereof, whether such trust was established before or after the effective date of this act.

Mr. King, Chairman of the Standing Committee on Constitution and Elections, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable

report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Roberts (With Amendment):

S. 306. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, relating to local government and home rule; amending and superseding specifically Sections 38, 39, 40, 41, 89, 220 and 228 and Amendments No. 81, 132, 140, 142, 144 and 184 of the Constitution of Alabama of 1901, as amended; and repealing and superseding all other conflicting provisions of said constitution and amendments thereto.

The above Bill was read a second time at length as required by the Constitution.

Mr. King, Chairman of the Standing Committee on Constitution and Elections, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Ellis:

S. 325. To require that the attorney general submit, within sixty days, all laws passed by the Alabama legislature, whether local or general, to the U. S. Justice Department of the U. S. District Court in Washington, D. C., if they might in any way be construed to affect voting rights under the Civil Rights Act of 1965 or any of the amendments thereto.

By Messrs. Ellis, King and St. John:

S. 327. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, relating to the executive department of state government; repealing and superseding Article V of the Constitution of Alabama, as amended, and Amendments No. 38 and 282 and all other conflicting provisions of said constitution.

The above Bill was read a second time at length as required by the Constitution.

By Messrs. King and Ellis:

S. 364. To propose and provide for the submission of an amendment to the Constitution of Alabama.

The above Bill was read a second time at length as required by the Constitution.

By Mr. Noonan:

S. 501. Proposing an amendment to the Constitution of 1901, which prescribes the manner counties, cities and other political subdivisions may issue bonds or other securities if the county or municipality has home rule.

The above Bill was read a second time at length as required by the Constitution.

By Mr. Noonan:

S. 503. Proposing an amendment to Section 284 of the Constitution of 1901, as last amended, which provides for the mode of amending the Constitution.

The above Bill was read a second time at length as required by the Constitution.

Mr. Waldrop, Chairman of the Standing Committee on Business and Labor Relations, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Waldrop (With amendment):

S. 260. To amend further Section 93 of Title 26, Code of Alabama 1940, as amended, which relates to medical, surgical, and hospital service, and vocational rehabilitation under workmen's compensation so as to provide that injured employees shall have their choice of physicians for treatment and the employer shall be fully liable for such treatment.

Mr. Pearson, Chairman of the Standing Committee on Conservation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Owen:

S. 5. To amend Section 57 of Title 8, Code of Alabama, 1940, as amended, and pertaining to the appointment of deputy game and fish wardens, the requirements for appointment as a deputy warden, establishing the duties of deputy wardens, authorizing the Commissioner to revoke appointments, and clarifying the status of deputy game and fish wardens.

By Mr. Baker:

S. 601. To amend Title 8, Section 91, Code of Alabama 1940, as amended, so as to increase the cost of trapping licenses.

By Mr. Baker:

S. 602. To require identification of all traps used by trappers; to require reporting by fur trappers and fur buyers as to the numbers and types of furs sold and purchased; to prescribe certain procedures concerning the use of such traps; to make certain activities associated with trapping unlawful; and to prescribe penalties for anyone convicted of violating any of the provisions of this act.

Mr. McDonald (S), Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Smith (C), et al:

H. 316. To amend Title 52, Section 215(a4) relating to the determination of the number of teacher units allowed, so that the period for which average daily attendance is required is changed from the school year to the first four scholastic months of any school term and giving this Act retroactive effect.

By Mr. Vacca:

S. 522. To amend Act No. 281 adopted at the 1969 Regular Session of the Legislature of Alabama relating to the promotion of safe transportation of pupils to and from schools and in school related

activities; to directing the state board of education to prescribe certain rules and regulations designed to promote this purpose; to the provision of school transportation managers or supervisors; to prescribing certain equipment for school buses; to the provision for safety inspection of school buses; to the provision for special training and licensing of school bus drivers; and to the prescribing of penalties.

By Messrs. Powell, Teague, Mims, Shelby, Gilmore, Vacca, Wilson, Edwards, Mitchell, Peden, Adams, Noonan, St. John, Stewart, McDonald (A), Jones, Bank, McDonald (S), Ellis, Littleton, King, Waldrop and Fine:

S. 565. Amend Section 1 Act No. 35, 1969 Special Session (1969 Acts Book, Vol. 1, pp. 86-87) so as to prescribe the manner of determining teacher units for the purpose of apportioning the minimum school program fund; and to repeal and supersede conflicting laws or parts of laws.

Mr. Bank, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Bank (With amendment):

S. 593. To amend the Solid Wastes Disposal Act, being Act No. 771, Acts of Alabama 1969 (p. 1373), as amended by Act No. 2247, Acts of Alabama 1971 (p. 3604), and appearing as Title 22 ¶ ¶ 346-351, inclusive, Code of Alabama, 1940 (recompiled 1958), as amended; to define residential and commercial type units; to define and make mandatory the responsibility of municipalities and counties to make available to the general public a system for the collection and disposal of solid wastes; to authorize the governing body of municipalities and counties to enter into non-exclusive or exclusive contracts with private agencies for the collection and disposal of solid wastes, except that no exclusive contract for the collection for commercial type units shall be entered into by counties having a population of more than 75,000 according to the last decennial census; to provide for the method of letting exclusive contracts with private agencies and certain requirements with respect thereto; and to repeal all laws in conflict herewith.

Mr. Bank, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Ellis (With Substitute):

S. 492. To vest regulatory authority over hazardous wastes management in the State Board of Health, to authorize the Board to purchase, lease, and administer lands to be used as disposal sites for hazardous wastes; to vest perpetual responsibility for such sites in the State of Alabama; to establish the Hazardous Wastes Technical Advisory Committee; to place certain responsibilities for hazardous waste management upon the Board of Health, generators of waste, transporters, and persons operating disposal treatment or disposal sites; to require permits to transport and operate treatment or disposal sites for hazardous



wastes; to require reporting of wastes generated by the generator as such; to require the use of a manifest; to provide for penalties and remedies; to provide for administration and enforcement; to declare violations to be a public nuisance per se to allow appeal; and to establish the Hazardous Wastes Management Fund and to make appropriations therefrom.

Mr. Bank, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Hill and Greer:

H. 340. To amend further Section 6 of Act No. 48, H. 34, 5th Special Session 1950 (Acts 1950-1951, Vol. 1, p. 102) which relates to social security for certain officers and employees of the State and local governments of Alabama, so as to authorize the State Agency for Social Security to make further withdrawals for administration purposes.

By Mr. Noonan:

S. 566. To amend further Section 1, of Act No. 530, H. 635 of the 1949 Regular Session (Acts 1949, p. 835), which act relates to public health and licensure of hospitals, so as to further prescribe regulations therefor and clarify and expand the definitions.

Mr. Gilmore, Chairman of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Owen, Peden, Bank and Teague (With Amendments):

S. 422. To authorize the Governor, by Executive Order, to freeze at the present level or to roll back to any level existing at any time during the six month period immediately preceding said Executive Order, any utility rate or rates established by the Alabama Public Service Commission for a period of up to one year.

Mr. Gilmore, Chairman of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Mr. Stewart (With Substitute) (With Amendments):

S. 476. To provide for the sale of a minimal quantity of energy to the indigent at a cost that is protected from rapid inflation and to provide that electrical and gas service to indigent citizens may not be discontinued if the local health board certifies that such would endanger the health of such citizens.

Mr. Jones, Chairman of the Standing Committee on State Government, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Jones:

S. 124. To require any state agency, board, commission or department to give reasonable public notice and to hold public hearings in any community which will be affected by any policy, directive, rule or regulation it proposes which concerns people or property; to provide the manner of notice and publication of such rules and regulations; to prescribe the rights of any party damaged as a direct result of the director, department head, or like supervisor issuing such directive, rule or regulation; and to prescribe penalties for violating the provisions of this act.

By Mr. Edwards:

S. 78. To name the National Guard Armory in Decatur the Fort Quarles-Flowers Armory.

By Messrs. Pearson, Clemon, Vacca, McMillan, Ellis, Gilmore and Littleton:

S. 507. To name the student union building being built at Lawson State Junior College in Birmingham, Alabama "The Leon Kennedy Building."

By Mr. Vacca:

S. 8. To provide for the appointment and supervision of security officers to be designated and empowered as state police officers for each house of the legislature.

By Mr. Littleton:

S. 10. To provide for the salaries of the Chief Examiner of Public Accounts and the Assistant Chief Examiner of Public Accounts.

By Mr. Edwards:

S. 56. To name the new classroom building at John C. Calhoun State Community College the Bob Harris Building.

By Messrs. Wilson, Ellis, Pearson, Gilmore, Vacca and McMillan:

S. 562. To name the engineering building on the campus of The University of Alabama in Birmingham Cudworth Hall.

By Mr. Ellis:

S. 139. Relating to Native Americans; creating the Alabama Cherokee Indian Council; providing for membership and method of appointment; providing for the duties and power of the Council.

By Mr. Little:

S. 241. To name the Health, Education and Arts Building on the campus of Alexander City State Junior College after W. Byron Causey and to repeal all conflicting statutes.

Mr. Jones, Chairman of the Standing Committee on State Government, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Edwards (With Amendment):

S. 136. To require the public safety department to investigate any motor vehicular accident occurring on any public road within the police jurisdiction of any municipality or town, having a population of less than 2,000, where the municipality or town has no full-time police force; and to prescribe that the director of the department of public safety shall issue and promulgate any reasonable rules and regulations necessary to implement the provisions of this act.

Mr. Jones, Chairman of the Standing Committee on State Government, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Edwards:

S. 465. To amend Section 18 of Act No. 403, H. 330, 1971 Regular Session, approved August 19, 1971, entitled "An Act Requiring the registration and licensing of barbers and barber apprentices, and barber colleges, creating for the administration of this Act a State Board of Barber Examiners, and defining violation of this Act and prescribing penalties therefor," so as to add certain counties to the list of counties to which the Act does not apply.

By Messrs. Wilson, Pearson, Ellis, Gilmore, Vacca and McMillan:

S. 561. To name the new basic sciences building in the Medical Center of The University of Alabama in Birmingham Volker Hall.

By Mr. Ellis:

S. 491. To require any state agency, board, commission or committee promulgating directives, rules or regulations which carry the effect and force of law to give reasonable public notice; to provide the manner of notice; to provide interested parties the opportunity for hearings pertaining to any adoption, amendment to or proposed change in such directives, rules or regulations and the right to appeal; to provide for the compilation, indexing, and publication of the rules and regulations; to provide for penalties for the violations of this Act; and to designate this Act the "Administrative Procedures Act."

Mr. Jones, Chairman of the Standing Committee on State Government, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Goodwin and Miller (With Amendments):

S. 542. To reorganize the Executive Department of state government; to express the public policy of the State regarding the structure and functions of the Executive Department, and to state the intent of the Legislature concerning the reorganization of the Executive Department, the establishment of new executive offices, the orderly transfer of certain enumerated agencies or the functions of such agencies to such executive offices, the effect of such reorganization on existing agencies of the Executive Department and their employees, the establishment in the future of executive offices or agencies, and the

assignment or transfer of powers, duties, and functions of existing agencies, or agencies hereinafter created, to the executive offices or agencies established hereafter; to define certain terms, and to provide a uniform nomenclature for the internal structure of executive offices established in the Act; to list the Constitutional, elective, and executive offices which compose the Executive Department, except as may be otherwise provided by law; to limit the number of executive offices within the Executive Department to fifteen and to provide for the future assignment of agencies or functions to the executive offices established herein; to establish within each executive office established herein the position of Secretary; to enumerate the powers, duties, and functions of Secretaries of executive offices; to provide that Secretaries of executive offices shall perform their functions under the general control and supervision of the Governor; to provide that certain officers may be appointed for the executive offices established herein, including Deputy Secretaries, directors, supervisors, chiefs, and legal counsel; to provide that certain officers shall obtain commissions before entering upon and exercising the duties of their respective offices; to provide for the place of residence, oath of office, and official bond of certain enumerated officers of the executive offices established herein; to provide salaries for officers and employees of executive offices; to specify those officers and employees of executive offices who are subject to the State merit system law; to enumerate those officers of executive offices subject to impeachment and governed by the provisions of Act No. 130 enacted at the 1975 Regular Session of the Legislature; to provide for the transfer for administrative purposes of existing agencies of the Executive Department to the executive offices established herein; to provide that such agencies shall continue to perform their statutory functions under the supervision and regulation of the executive office to which they are transferred, except in the case of certain examining and licensing agencies and agencies authorized to issue bonds or other evidences of indebtedness; to specify those services which the executive office may perform for an agency transferred to it for administrative purposes; to provide for the transfer of the effects and the employees of agencies transferred for administrative purposes; to define the effect of such transfer on the obligations and debts of such agencies and the ability of such agencies, the State, or its executive offices, to comply with federal laws concerning federal assistance to any of them; to provide for the transfer of existing agencies and their statutory functions to an executive office established herein; to provide that any agency so transferred shall continue to exist as an advisory agency or advisory council within the executive office to which it is transferred; to provide for the effect of such transfer on the performance of the statutory functions transferred, the filing of certain financial information, the pending business of any agency so transferred, the obligations and debts of any such agency, and the ability of any such agency, the State, or its executive offices to comply with federal laws concerning federal assistance to any of them; to provide for the transfer of the effects and the employees of any agency so transferred; to provide for the abolition of existing agencies and the transfer of their statutory functions to an executive office established herein; to provide for the effect of such abolition and transfer on the performance of the statutory functions transferred, the pending business of any abolished agency, the obligations and debts of any abolished agency, and the ability of the State, or its executive offices, to comply with federal laws concerning federal assistance to any of them or to any agency so abolished; to provide for the transfer of the effects and the employees of any agency so abolished; to provide that existing agencies

may be abolished and that their statutory functions shall cease to exist; to provide for the effect of such abolition on the pending business of any such agency, its obligations, and its effects; to provide that civil and criminal actions pending on October 1, 1978, shall not be affected by this Act, except as specifically provided herein; to provide for employees of the State affected by this Act; to provide for other effects of this Act on the holders of bonds and obligations issued before October 1, 1978, and the parties to contracts and other agreements entered into before October 1, 1978; to continue lawfully adopted rules and regulations of certain agencies; to provide that the Governor may replace any state officer whose position is not continued by this Act and who is a member of an agency continued or transferred by this Act; to provide that the Governor shall be responsible for formulating and implementing a transition plan which carries out the provisions and purposes of this Act; to require the cooperation of all existing agencies of the Executive Department with the Governor in implementing this Act; to provide that the Legislature shall be furnished certain information pertaining to the reorganization of the Executive Department; to appropriate specified sums to the Office of the Governor to implement this Act; to provide that the transfer of agencies and functions of agencies as provided herein shall be effective on October 1, 1978; to provide for a Cabinet; to specify its members and assign it certain advisory functions; to provide for the continuation of any agency of the Executive Department existing on the effective date of this Act, except as otherwise provided herein; to specify a short title for this Act; to provide that if any provision of this Act is declared invalid, that such declaration shall not affect the validity of the remainder of the Act; to repeal all laws or portions of laws in conflict with this Act; to provide an effective date for this Act; to establish in the Executive Department the following executive offices: Office of Administration; Office of Business Regulation; Office of Economic and Community Development; Office of Forestry Services; Office of Health Resources; Office of Labor; Office of Mental Health; Office of Military Affairs; Office of Natural Resources; Office of Prisons and Rehabilitation; Office of Protection and Law Enforcement; Office of Revenue; Office of Social Services; Office of State Enterprises; Office of Transportation; to provide for the transfer of certain enumerated agencies to these executive offices by a specified method of reorganization; to provide that the Governor may by executive order abolish or transfer certain enumerated agencies established by Executive order to specified executive offices and by a specified method of reorganization; to abolish certain agencies; and to repeal specifically the following Acts or provisions thereof: Section 2(d) of Act No. 48 enacted at the 1950 Fifth Special Session of the Legislature; Act No. 514 enacted at the 1963 Regular Session of the Legislature; Section 3 of Act No. 712 enacted at the 1951 Regular Session of the Legislature; Sections 6 and 7 of Act No. 226 enacted at the 1965 Regular Session of the Legislature; Section 4(c) of Act No. 2059 enacted at the 1971 Regular Session of the Legislature; Section 5 of Act No. 582 enacted at the 1963 Regular Session of the Legislature; Act No. 1115 enacted at the 1969 Regular Session of the Legislature; Act No. 324 enacted at the 1947 Regular Session of the Legislature; Section 5 of Act No. 47 enacted at the 1955 Regular Session of the Legislature; Sections 4 and 5 of Act No. 103 enacted at the 1955 Regular Session of the Legislature; Act No. 92 enacted at the 1965 First Special Session of the Legislature; Section 32 of Act No. 1049 enacted at the 1969 Regular Session of the Legislature; Sections 4, 5, and 6 of Act No. 816 enacted at the 1973 Regular Session of the Legislature; Section 5 of Act No. 673 enacted at the 1947 Regular Session of the Legislature; Act No. 889

enacted at the 1953 Regular Session of the Legislature; Sections 8 and 9 of Act No. 1197 enacted at the 1975 Regular Session of the Legislature; Section 3 of Act No. 446 enacted at the 1963 Regular Session of the Legislature; Section 4 of Act No. 394 enacted at the 1957 Regular Session of the Legislature; Section 2 of Act No. 373 enacted at the 1955 Regular Session of the Legislature, as amended.

Mr. Roberts, Chairman of the Standing Committee on Local Government, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Bank and Fine:

S. 276. To require a notification procedure for the issuance by counties, cities, towns, municipalities and public corporations of industrial revenue bonds under Act No. 178 enacted at the 1961 Extra Session of the Alabama Legislature (1961 Acts, p. 2147, et seq.), as amended (relating to industrial revenue bonds to be issued by counties), Act No. 756, enacted at the 1951 Regular Session of the Alabama Legislature (1951 Acts, p. 1307, et seq.) as amended (relating to industrial revenue bonds to be issued by municipalities), Act No. 648, enacted at the 1949 Regular Session of the Alabama Legislature (1949 Acts, p. 991, et seq.) as amended (relating to industrial revenue bonds to be issued by industrial development boards), Act No. 516, enacted at the 1955 Regular Session of the Alabama Legislature (1955 Acts, p. 1160, et seq.) as amended (relating to industrial revenue bonds to be issued by medical clinic boards), Act No. 4, enacted at the 1956 Second Special Session of the Alabama Legislature (1956 Acts, p. 240, et seq.), as amended (relating to industrial revenue bonds to be issued by certain municipalities to finance hotel and motel projects), Act No. 337 enacted at the 1971 Third Extra Session of the Alabama Legislature (1971 Acts, p. 4625, et seq.) (relating to industrial revenue bonds to be issued by certain municipalities to finance hotels and motel projects), to provide, in addition to their present functions and duties, the functions and duties of the Alabama Securities Commission and its Director (established under Act No. 740 enacted at the 1969 Regular Session of the Alabama Legislature, Acts of 1969, p. 1316, et seq.) with respect to such industrial revenue bonds, to establish and provide for the membership, functions and duties of the State Industrial Revenue Bond Advisory Council; to authorize the issuance of stop orders by the Alabama Securities Commission and/or the Director delaying or prohibiting the issuance of industrial revenue bonds; to provide for certificates of notification by the Director, the effect of such certificate, and a remedy for failure or refusal of the Director to issue such certificate; to provide for the assessment of filing fees by the Securities Commission; to provide criminal penalties for willful violations of this act or stop orders issued thereunder; and to provide relief from stop orders of the Director by readoption by the governing body of the issuer of the authorizing proceedings, or from stop orders issued by the Alabama Securities Commission by judicial validation under Title 7, Section 169, et seq., Alabama Code of 1940, as amended (relating to the judicial validation of securities issued by counties, cities and towns) and Act No. 859 of the 1953 Regular Session of the Alabama Legislature (Acts of 1953, p. 1148, et seq.) (relating to the judicial validation of securities issued by boards and public corporations) and as supplemented in this act for proceedings hereunder, and relief from stop orders of the Council by such judicial validation.

By Mr. Ellis:

S. 151. To amend Section 6 of Act No. 1126, S. 378, 1969 Regular Session, (Acts of 1969, p. 2084), relating to regional planning and development commissions, so as to empower the various regional planning and development commissions to grant ex officio voting status to the chairmen of any advisory committees which such commissions may appoint under this act.

By Mr. Ellis:

S. 152. To provide that the county commission of each county shall be empowered to fix the salary to be paid commissioners of such county; to provide that said compensation shall be fixed by resolution, adopted not later than eight months preceding the general election for any such commission to become effective at the expiration of the term of office of the incumbent commission; to provide further for those commissions, whose terms do not run concurrently and to repeal all laws in conflict with this Act.

By Mr. Little:

S. 245. To authorize each municipality in this state to acquire, finance, establish, own, use, operate, manage and control parks, playgrounds and recreational or athletic areas situated wholly or in part outside of its corporate limits; to provide the conditions upon which a park, playground, or recreational or athletic area may be used or established within the corporate limits or police jurisdiction of another municipality or within a county other than that in which a municipality establishing the same shall be situated; to provide that all authority heretofore and hereinafter granted to municipalities with respect to parks, playgrounds and recreational or athletic areas within the corporate limits of a municipality shall be applicable to and may be exercised by a municipality with respect to any park, playground or recreational or athletic area located wholly or in part outside its corporate limits; to provide that a municipality may join and cooperate with one or more municipalities in acquiring, financing, refinancing, providing, establishing, installing, using and managing parks, playgrounds, and recreational or athletic areas, making the same common to the use of such municipalities and in fixing and charging fees and making rules and regulations for the conduct, management and use thereof and providing that all municipalities shall jointly have the same powers and authorities conferred by the act upon each; to authorize governing bodies of two or more municipalities to establish jointly an authority as a public corporation for the purposes of acquiring, financing, refinancing, providing, establishing, installing, using or managing parks, playgrounds, and recreational or athletic areas, making the same common to the use of such municipalities or in fixing and charging fees and in making rules and regulations for the conduct, management and use thereof; to provide that neither the act nor anything therein contained shall be construed as a restriction or limitation upon any power which a municipality might otherwise have under any laws of the state.

By Messrs. King and Roberts:

S. 267. To authorize the County Commission or like governing body of each of the several Counties having less than 600,000 population according to the latest Federal census to regulate the minimum size of lots, the planning and construction of all public streets, public roads and

drainage structures and require proper placement of public utilities to be located in proposed subdivisions of land or in proposed additions to subdivisions of land existing at the time of the enactment of this Act where such subdivisions are situated outside the corporate limits of any municipality in such county, provided that such placement of public utilities shall not be inconsistent with the Southern Standard Building Code, State and Federal laws and regulations of State and Federal regulatory agencies. To further provide for exercise of jurisdiction by counties over proposed subdivisions within the jurisdiction of municipal planning commissions and to provide for agreement of jurisdiction by counties with affected municipalities.

By Mr. Peden:

S. 431. To authorize any city in the State of Alabama having a population of 34,000 or more according to the last or any subsequent federal census to plan, establish, develop, acquire, construct, enlarge, improve, maintain, equip, operate, regulate and protect any building, structure, land, right of way, equipment or instrumentality used or useful in connection with construction, equipping, development, maintenance or operation of any area or building for off-street parking of motor vehicles (defined as parking facilities), to finance the cost of parking facilities in whole or in part by the issuance of bonds, warrants, notes or other evidences of indebtedness and pledge to the payment thereof its full faith and credit and any tax, license or revenues which the city may then be authorized to pledge to the payment of bonded or other indebtedness; to lease or let parking facilities or any one or more of them to such tenant or tenants for such periods and for such compensation or rental and on such conditions as the governing body of the city may prescribe; to fix, establish, collect and alter parking fees, tolls, rents and other charges for the use of any parking facility; to make and enforce rules and regulations governing the use of any parking facilities owned or operated by the city and to execute such contracts and other instruments and to take such other action as the governing body of the city may deem necessary or convenient in connection with parking facilities.

Mr. Roberts, Chairman of the Standing Committee on Local Government, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with amendment, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Peden, Edwards, Fine, St. John, Vacca, Noonan, Gilmore and Perloff (With Amendment):

S. 535. To require that any project approved as an undertaking to be acquired by any medical clinic board incorporated under Act No. 516 of the 1955 Regular Session of the Legislature, as amended and supplemented (1977 Code Title 11, Chapter 58, Section 1 et seq.) may be disapproved within a limited time by the governing body of the municipality whose consent for the incorporation of such board is required if such project is located within the corporate limits of such municipality.

By Messrs. Peden, Edwards, Fine, St. John, Vacca, Gilmore and Perloff (With Amendment):

S. 536. To require that any project approved as an undertaking to be acquired by any industrial development board incorporated under Act No. 648 of the 1949 Regular Session of the Legislature, as amended and



supplemented (1977 Code Title 11, Chapter 54, Section 80, et seq.) may be disapproved within a limited time by the governing body of the municipality whose consent for the incorporation of such board is required if such project is located within the corporate limits of such municipality.

Mr. Roberts, Chairman of the Standing Committee on Local Government, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Peden, Edwards, Fine, St. John, Vacca, Noonan, Gilmore and Perloff:

S. 537. Proposing an amendment to the constitution of Alabama pertaining to the issuance of revenue bonds and other revenue securities by municipalities.

The above Bill was read a second time at length as required by the Constitution.

By Mr. Owen:

S. 19. Proposing an amendment to the Constitution of Alabama further amending Section 144, Article VI, of the Constitution of Alabama; providing for a Probate Court in each county, with general jurisdiction of orphans' business, and adoptions, and with power to grant Letters Testamentary, and of Administration and of Guardianships, and such further jurisdiction as may be provided by law.

The above Bill was read a second time at length as required by the Constitution.

By Mr. Owen:

S. 20. To further amend Section 712 of Title 51 of the Code of Alabama 1940 as heretofore amended so as to extend by ten days the time allowable for disbursing the money the probate judge receives in respect of motor vehicle licenses and registration fees and to extend by ten days the time allowable to the probate judge for forwarding to the Comptroller and the Department of Revenue a certified list of all motor vehicle licenses issued by the probate judge during the preceding month.

By Messrs. Manley and Johnstone:

H. 103. To further amend Section 847 of Title 51 of the Code of Alabama 1940 as heretofore amended by extending each of the time limits set out in said Section 847 by an additional ten days.

By Mr. Owen:

S. 21. To further amend Section 847 of Title 51 of the Code of Alabama 1940 as heretofore amended by extending each of the time limits set out in said Section 847 by an additional ten days.

By Messrs. Manley and Johnstone:

H. 104. To further amend Section 712 of Title 51 of the Code of Alabama 1940 as heretofore amended so as to extend by ten days the time allowable for disbursing the money the probate judge receives in respect of motor vehicle licenses and registration fees and to extend by ten days the

time allowable to the probate judge for forwarding to the Comptroller and the Department of Revenue a certified list of all motor vehicle licenses issued by the probate judge during the preceding month.

By Mr. Edwards:

S. 66. To authorize any county or incorporated municipality to issue revenue bonds under the provisions of Subdivision 3 of Article 2 of Chapter 6 of Title 37 of the Code of Alabama of 1940, as amended, for the purpose of refunding the principal of any outstanding general or limited obligation warrants of any such county or incorporated municipality issued (directly or indirectly) for the purpose of financing the acquisition, improvement, enlargement, extension or repair of any water works system, gas system, electric system or sanitary sewer system or that were issued to refund any general or limited obligation warrant or warrants initially issued (directly or indirectly) for any such purpose or purposes, as well as for the combined purpose of refunding the principal of any such general or limited obligation warrants and any other purpose or purposes specified in Section 312 of Title 37 of the Code of Alabama of 1940, as amended.

By Messrs. Martin, Roberts, Drake and Cross:

H. 169. To authorize any county or incorporated municipality to issue revenue bonds under the provisions of Subdivision 3 of Article 2 of Chapter 6 of Title 37 of the Code of Alabama of 1940, as amended, for the purpose of refunding the principal of any outstanding general or limited obligation warrants of any such county or incorporated municipality issued (directly or indirectly) for the purpose of financing the acquisition, improvement, enlargement, extension or repair of any water works system, gas system, electric system or sanitary sewer system or that were issued to refund any general or limited obligation warrant or warrants initially issued (directly or indirectly) for any such purpose or purposes, as well as for the combined purpose of refunding the principal of any such general or limited obligation warrants and any other purpose or purposes specified in Section 312 of Title 37 of the Code of Alabama of 1940, as amended.

By Mr. Vacca:

S. 318. To validate, in certain cases, annexations heretofore held by municipalities.

By Mr. Vacca:

S. 319. To validate in certain cases elections heretofore held in municipalities or counties on the question of the issuance of bonds.

By Mr. Vacca:

S. 320. To validate in certain cases municipal corporations attempted to be organized under the laws of Alabama which might be invalid because of any irregularity in the procedure for incorporation.

By Mr. Vacca:

S. 321. To validate in certain cases elections held in municipalities or counties on the question of authorizing any special taxes under the Constitution.

By Mr. King:

S. 316. To amend Section 1 of Act 2228, Regular Session of the Alabama Legislature, Volume 5, page 3585, Acts of Alabama 1971, which

act provides additional alternative procedures whereby incorporated municipalities with populations of 2,000 or more may alter their corporate limits, so as to provide a procedure for altering the corporate boundaries of such incorporated municipalities in the event one or more such incorporated municipalities have overlapping police jurisdictions.

By Messrs. Higginbotham, Turnham and Whatley:

H. 91. To authorize each municipality in this state to acquire, finance, establish, own, use, operate, manage and control parks, playgrounds and recreational or athletic areas situated wholly or in part outside of its corporate limits; to provide the conditions upon which a park, playground, or recreational or athletic area may be used or established within the corporate limits or police jurisdiction of another municipality or within a county other than that in which a municipality establishing the same shall be situated; to provide that all authority heretofore and hereinafter granted to municipalities with respect to parks, playgrounds and recreational or athletic areas within the corporate limits of a municipality shall be applicable to and may be exercised by a municipality with respect to any park, playground or recreational or athletic area located wholly or in part outside its corporate limits; to provide that a municipality may join and cooperate with one or more municipalities in acquiring, financing, refinancing, providing, establishing, installing, using and managing parks, playgrounds, and recreational or athletic areas, making the same common to the use of such municipalities and in fixing and charging fees and making rules and regulations for the conduct, management and use thereof and providing that all municipalities shall jointly have the same powers and authorities conferred by the act upon each; to authorize governing bodies of two or more municipalities to establish jointly an authority as a public corporation for the purposes of acquiring, financing, refinancing, providing, establishing, installing, using of managing parks, playgrounds, and recreational or athletic areas, making the same common to the use of such municipalities or in fixing and charging fees and in making rules and regulations for the conduct, management and use thereof; to provide that neither the act nor anything therein contained shall be construed as a restriction or limitation upon any power which a municipality might otherwise have under any laws of the state.

By Mr. Dial:

H. 41. To grant to counties and municipalities acting separately or jointly the power to acquire and develop industrial or commercial parks, to sell or lease all or part of said parks to private enterprises or other public entities, and to finance such acquisition and development by the issuance of general obligation and development by the issuance of general obligation warrants and refunding warrants of the participating governmental units, to authorize the pledging of taxes in payment thereof, to exempt actions hereunder from other laws of the state, including those respecting financial control, and to declare the provisions hereof severable.

Mr. Roberts, Chairman of the Standing Committee on Local Government, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Dial (With Amendment):

H. 42. To authorize the incorporation with respect to the several counties in the state, of nonprofit public corporations for the purpose of acquiring, enlarging, improving, replacing, expanding, owning, leasing and disposing of properties for the purpose of promoting industry, developing trade, and furthering the use of agricultural, natural and human resources; to provide for the issuance by any such corporation of interest bearing revenue bonds and other interest bearing revenue securities payable solely out of the revenues and receipts from any such properties; to authorize the refunding of any such bonds or securities; to exempt from all taxation in this state each such corporation, its property, corporate activities, income, revenues, securities, the income from its bonds or securities, and conveyances, leases and mortgages to which such corporation is a party; to exempt such corporations from the laws of the state governing usury or prescribing interest rates; to exempt such corporations and all contracts made by it from the laws which provide for competitive bids in connection with certain contracts; to authorize certain conveyances to any such corporation by certain other public corporations and the assumption of the indebtedness thereof.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Lee:

H. 47. To provide for additional times when real property may be returned and valued for ad valorem tax purposes in all counties having a population of not less than 115,000 nor more than 150,000 according to the 1970 or any subsequent federal decennial census.

By Mr. Dial (with notice and proof):

H. 782. Relating to Cleburne County; to change the method of compensating the judge of probate, the tax assessor, and the tax collector; to fix the compensation of each of such officers; and to make the act retroactive as to the judge of probate.

By Mr. Waldrop:

S. 540. To re-enact and to amend further Act No. 519, H. 1172 of the 1975 Regular Session (Acts of Alabama, 1975, Vol. II, p. 1165), which relates to the power of boards of education in counties having populations of not less than 90,000 nor more than 100,000 inhabitants, to borrow money for capital outlay purposes, so as to delete provisions in such acts relative to the distribution of the revenues derived from the tax on malt or brewed beverages and the provisions for establishment of an advisory council, and to regulate further the procedure for obtaining loans and the time within which the loan must be repaid.

By Mr. Fine:

S. 165. To regulate the expense allowances in the Twenty-Fifth Judicial Circuit for circuit judges and the district attorney; and to make the provisions of this Act retroactive to January 16, 1977.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on

the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Roberts (With Amendment):

S. 304. To amend further Code of Alabama, 1940, Title 37, Section 10, which relates to the incorporation of unincorporated municipalities in order to provide specifically for the incorporation of unincorporated communities on islands in counties having populations of not less than 300,000 nor more than 600,000 according to the 1970 or any subsequent federal decennial census.

Mr. Littleton, Chairman for the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Baker:

S. 555. Relating to all counties having populations of not less than 41,750 nor more than 45,000 according to the 1970 or any subsequent federal decennial census; further regulating the salary of the members of the board of equalization, board of registrars and jury commission in each such county.

By Mr. Baker:

S. 581. Relating to counties having a population of not less than 41,750 nor more than 45,000 according to the 1970 or any subsequent federal decennial census, to create and establish a board of jury supervisors in lieu of a jury commission, to define the power, authority, duties and jurisdiction of such board, to provide for the appointment, dismissal, method of filling vacancies and compensation of board members, to provide for the transfer of records to said board from the former jury commission, to provide for a quorum and to authorize the hiring of a clerk.

By Mr. Bank:

S. 594. Proposing an amendment to the Constitution of Alabama relating to the consolidation of county offices in Pickens County.

The above Bill was read a second time at length as required by the Constitution.

By Mr. Bank (with notice and proof):

S. 595. To validate the elections held in Pickens County, Alabama, on October 28, 1975, and actions taken pursuant thereto.

By Mr. Peden:

S. 615. To repeal Section 8 of Act No. 1695, H. 2263, 1971 Regular Session (Acts of 1971, p. 2852), entitled, "An Act Relating to all counties having a population of not less than 65,500 nor more than 75,200 inhabitants according to the most recent or any subsequent federal decennial census, to create a Civil Service Board in said counties to assure the more efficient operation of the Sheriff's Department; to provide for the composition powers, duties, and compensation for such boards; and to

establish certain employee management policies for the Sheriff's Department in said counties."

By Messrs. Killian, Starkey and Lutz:

H. 371. To amend Section 4 of Act No. 1103, S. 834, of the 1973 Regular Session (Acts 1973, Vol. III, p. 1867), which act relates to the office of clerk-secretary to each circuit judge of the Thirty-eighth Judicial Circuit, so as to further regulate the salary of said clerk-secretary; and to make the effect of its provisions retroactive to October 1, 1976.

By Messrs. Smith (M) and Higginbotham (with notice and proof):

H. 437. Relating to the governing body of Chambers County; amending Sections 1 and 2 of Act No. 475, H. 304, Regular Session 1973 (Acts of 1973, p. 689), which act creates the county commission of Chambers County in lieu of the court of county commission of such county; so as to provide further for the rearrangement of commissioner's districts and for the election, terms and qualifications of the commissioners.

By Messrs. Smith (M) and Higginbotham (with notice and proof):

H. 439. To provide for purging the lists of registered voters in Chambers County; requiring and prescribing the procedure for the re-identification of registered voters; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the re-identification of registered voters; and providing a penalty for willfully making a false statement in connection with re-identification.

By Messrs. Drake and Sparks:

H. 556. To prohibit the killing of any fox except in the course of hunting on horseback or if the animal is caught committing or attempting to commit depredation to livestock or poultry or is a menace to the health and safety of a human being, in any county having a population of not less than 50,000 nor more than 52,500 inhabitants according to the 1970 or any subsequent federal decennial census.

By Messrs. Smith (M) Higginbotham, Morris and Turnham (with notice and proof):

H. 602. Relating to Chambers County: to provide the Chambers County Commission with authority to employ appraisers, mappers, clerical personnel and other personnel to maintain current evaluation of all real property and valuation of personal property.

By Messrs. Higginbotham, Turnham and Whatley:

H. 617. To provide for the compensation of the chairman and members of the Waterworks Boards of any city having a population of not less than 18,250 nor more than 19,250 inhabitants according to the most recent or any subsequent federal decennial census; and to make the provisions of this act retroactive to October 1, 1976.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Howard (With Amendment):

H. 651. Relating to all counties having populations of not less than 115,000 nor more than 150,000 according to the 1970 or any subsequent federal decennial census; authorizing the Alabama Alcoholic Beverage Control Board to permit the sale of draft or keg beer in said county.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Plaster:

H. 652. Relating to counties having a population of not less than 24,000 nor more than 24,800 inhabitants according to the 1970 or any subsequent federal decennial census; to provide additional compensation for the Board of Registrars in an amount to be set by the County Commission, within certain limits; to make the provisions of this act retroactive.

By Mr. Smith (J):

H. 671. To provide the county commission in all counties having a population of not less than 21,000 nor more than 22,000 inhabitants according to the 1970 or any subsequent federal decennial census, with authority to employ appraisers, mappers, and clerical personnel to maintain current evaluation of all real property and valuation of personal property within the county.

By Messrs. Roberts, Cross, Martin and Drake (with notice and proof):

H. 742. Relating to Morgan County and to enable Morgan County to make contributions and to provide for liability insurance, to volunteer rural fire departments organized according to law in Morgan County, Alabama and to provide life and accident insurance to the members of such organizations.

By Messrs. Martin, Roberts, Drake and Cross (with notice and proof):

H. 743. Relating to Morgan County; to direct the judge of probate to transfer all records and lists in his custody relating to electors and voting to the board of registrars of Morgan County and to direct the board of registrars to supply to the probate judge from time to time such transferred information as may be necessary to the fulfillment of his lawful duties; and to repeal conflicting laws.

#### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment on the State Personnel Board.

Respectfully submitted,  
HENRY B. STEAGALL, II,  
Executive Secretary.

Done this 8th day of March, 1977.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I have reappointed, subject to your confirmation, Mr. C. W. (Woody) Anderson, Huntsville, Alabama, to the State Personnel Board for the term expiring March 2, 1983.

Respectfully,

GEORGE C. WALLACE,  
Governor.

Done this 8th day of March, 1977.

#### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment on the State Personnel Board, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Callahan, Owens and McCluskey:

H. J. R. 355. COMMENDING GOVERNOR GEORGE C. WALLACE AND THE ALABAMA HIGHWAY DEPARTMENT FOR ADMINISTRATIVELY PLACING ALABAMA FIRST IN THE NATION IN THE UTILIZATION OF FEDERAL HIGHWAY FUNDS.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The Resolution, H. J. R. 355, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

#### UNFINISHED BUSINESS

##### RESOLUTION

The Senate proceeded to consideration of the Unfinished Business for today, the first item of which was the Resolution:

S. R. 283. SETTING SPECIAL ORDERS.

which said Resolution is set out in the Journal of the Senate for the Twelfth Legislative Day.

On motion of Mr. Littleton, said Resolution was laid on the table.



## RESOLUTIONS

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 284. RESOLVED by the Senate that the following resolutions and bills shall be the paramount and continuing order of business immediately upon the adoption of the resolution for the 13th Legislative Day only:

All uncontested local bills.

Bill No.	Page No.	Description
S. B. 222	21	Court of Criminal Appeals
S. B. 266	15	Supervision bill
S. B. 469	72	Blasting Agents/Explosives
S. B. 458	38	Public utilities
H. B. 101	26	Code Commission
S. B. 105	20	Higher learning
S. B. 513	79	Medicaid funding
S. B. 148	31	Election Reform
S. B. 335	69	Criminal cases
S. B. 426	18	Appropriation to U. of S. A.
S. B. 182	29	Constitutional convention
S. B. 336	78	Repeat offenders
S. B. 427	26	District Attorneys
S. B. 285	33	Rural water systems
S. B. 400	24	Non-resident contractors
S. B. 401	25	Heavy duty equipment
S. B. 207	37	Support personnel benefits
S. B. 392	56	Child abuse
S. J. R. 247	70	Probate Code
S. B. 288	29	Amends Title 61, § 119
S. B. 462	39	Probate Judges
S. B. 459	38	Probate Courts
S. B. 457	41	Amends Title 51, § 847
S. B. 345	22	Board of Nursing
S. B. 487	50	Data Systems
S. B. 394	56	Appointment of Curator
S. B. 59	31	Retirement Pension

S. B. 125	66	Sale of articles
S. B. 85	14	Public Health
S. B. 33	27	Criminal Code
S. B. 148	31	Elections
S. B. 167	27	Public corporations
H. B. 154	64	Credit unions
S. B. 191	28	Privileged communications
S. B. 15	17	Barter system
S. B. 194	28	Security interest
S. B. 302	71	Family practice
S. B. 295	65	Utility facilities
S. B. 171	55	Driving while intoxicated
S. B. 206	71	Emergency medical services
S. B. 144	54	Witnesses—trials
S. B. 351	41	Leasing of land
S. B. 421	26	Distribution of Code
S. B. 137	54	Municipal corporations
S. B. 32	10	Reports—state agencies
H. B. 380	67	Criminal sexual conduct
S. B. 236	55	Conveyance of property
S. B. 237	55	Distribution of property
S. B. 160	8	Additional secretaries
S. B. 210	62	Teacher units
S. B. 52	52	Sunday contracts
H. J. R. 93	79	Forestry Department
S. B. 82	68	Motor vehicle licenses
S. B. 147	7	Utility tax relief
S. B. 337	99	Public Service Commission
S. B. 301	44	Tax Collectors

On motion of Mr. Littleton, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Ellis offered the following Senate Joint Resolution, to-wit:

S. J. R. 285. CREATING A SELECT JOINT INTERIM COMMITTEE TO REVIEW AND EVALUATE EXISTING LEGISLATION RELATING TO THE DISABLED.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim committee to be composed of three members of the House and three members of the Senate to be appointed by the presiding officer of each house. The members of the committee shall elect from among their membership a chairman and a vice-chairman. The committee shall review and evaluate existing legislation with the overall objective of recommending a comprehensive, balanced legislative plan for the disabled and strict enforcement of such legislation; to eliminate laws which are ineffective as a result of the inability to enforce said laws and to coordinate existing legislation.

Upon the request of the chairman, the secretary of the senate and the clerk of the house shall provide such clerical assistance as may be necessary for the committee's work.

The committee shall report its findings, conclusions and recommendations to the legislature not later than the tenth legislative day of the 1978 Regular Session whereupon the committee shall be dissolved.

Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, on warrants drawn on the state comptroller upon requisition signed by the committee's chairman.

Which was read and referred to the Standing Committee on Rules.

Mr. Waldrop offered the following Senate Joint Resolution, to-wit:

S. J. R. 286. CONGRATULATING MRS. ELIZABETH WHITMIRE.

WHEREAS, the Legislature of Alabama has noted the retirement of Mrs. Elizabeth Whitmire from the Department of Pensions and Security after twenty years of commendable and dedicated service as a case worker with the Adult Service Division of the Department, and has noted also that a retirement party was held in her honor by her co-workers, indicative of their esteem and affection for Mrs. Whitmire; and

WHEREAS, in addition to conscientious dedication to her duties as case worker, she also has given generously of her time to many worthwhile organizations, having served as immediate past president of the United Givers Fund of Etowah County, secretary of the Salvation Army Advisory Board and president of the RSVP Board; and

WHEREAS, Mrs. Whitmire has further been active in the Etowah County Council of Community Services, The Bridge drug alert center, American Association of University Women, Business and Professional Women's Club, hospital auxiliary and church work; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we highly commend Mrs. Elizabeth Whitmire for twenty years of devoted service with the Department of Pensions and Security and for outstanding civic, religious and charitable endeavors, and to further heartily congratulate her on retirement, wishing her many happy years in all future pursuits.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mrs. Whitmire as a token of our esteem.

On motion of Mr. Waldrop, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Ellis, Pearson, Noonan, Gilmore, Wilson, Goodwin, Miller, Roberts, Bank, Mims, Stewart, McDonald (S), Waldrop, Peden, Baker, Fine, Perry, Owen, Mitchell, Edwards, Little, Shelby, McDonald (A), Littleton, McMillan, and Adams offered the following Senate Joint Resolution, to-wit:

**S. J. R. 287. URGING PRESIDENT CARTER TO CONTINUE THE TENNESSEE-TOMBIGBEE WATERWAY DEVELOPMENT PROJECT.**

WHEREAS, the State of Alabama has committed 35 million dollars in support of the Tennessee-Tombigbee Waterway Development Project, with the most recent commitment of 25 million dollars allocated by statewide referendum which carried in every county in our state, with 80% of the voters indicating their zealous support and backing of this most vital project; and

WHEREAS, it is projected conservatively that, upon completion and during the first year of operation, in excess of 18 million tons of coal are expected to be transported by water at a savings of \$2.00 per ton, a total of more than 36 million dollars in one year, with the resulting immediate effect of opening up greatly increased coal production at a time of such great need of energy resources by our nation; and

WHEREAS, over 1,400 persons are employed in Alabama, either in work directly related to the waterway project, or on the Tennessee-Tombigbee which flows through an area with perhaps the lowest per capita income of any in our state and which area has experienced a high rate of out-migration; both directly and indirectly, the waterway will generate 135,000 additional jobs in a four-state area within the next two decades, with the most significance in manufacturing employment, which will largely involve relatively high-wage, high-productivity kinds of occupation; and

WHEREAS, further, the Tennessee-Tombigbee Waterway is a project of national importance and concern which will have a significant effect upon a considerable portion of our country, offering the opportunity for comprehensively planned development involving many of the under-developed areas of our nation by providing the missing link in a vast inland and intercoastal waterway system; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do strenuously and unanimously urge President Carter to continue the Tennessee-Tombigbee Waterway Project, a project with both immediate and tremendous impact on our state and area of the country; a project of long-lasting, far-reaching and vital importance to our entire nation; a project that is critical to both social and economic development, and one that is responsive to human needs and requirements of national significance.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to President Carter and to each member of the Alabama Congressional Delegation in Washington, D. C.

On motion of Mr. Ellis, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Wilson offered the following Senate Joint Resolution, to-wit:

**S. J. R. 288. DESIGNATING APRIL 6, 1977, AS LIBRARY DAY.**

**WHEREAS, The academic, public, school and special libraries of Alabama have long filled an essential role in meeting the educational, cultural and recreational needs of the citizens of Alabama; and**

**WHEREAS, The citizens of Alabama have greatly benefited from the outstanding efforts of the many individuals who have worked to provide our State with quality library service; and**

**WHEREAS, The Legislature of the State of Alabama deems it both fitting and proper to acknowledge publicly the contributions of libraries to the past and future development of our State; now, therefore,**

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Wednesday, April 6, 1977, be observed as Library Day in honor of the services rendered to the people of Alabama by the librarians and libraries of our State.**

**On motion of Mr. Wilson, the Rules were suspended and the Resolution was adopted by the State.**

Mr. Fine offered the following Senate Joint Resolution, to-wit:

**S. J. R. 289. WHEREAS, The effective operation of business, government, and the professions is largely dependent upon adequate communication; and**

**WHEREAS, The increasing complexity of modern communications has made it necessary for today's professional secretary to acquire technical skills; and**

**WHEREAS, The secretary must have at ready command tact, diplomacy, increasing business and economic knowledge, and decision-making ability in the larger role the secretary performs as a member of the management team; and**

**WHEREAS, The significant contributions made by secretaries in business, government and the professions in our country and state have been recognized by Governor Wallace's designation of the last week in April as Secretaries Week and Wednesday, April 27, 1977, as Secretaries Day; Now therefore**

**BE IT RESOLVED, THAT THE LEGISLATURE, BOTH HOUSES CONCURRING, Encourage all Alabamians to recognize the efforts and accomplishments by our Secretaries which have made them truly vital silent partners in American business and public affairs.**

**BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Ms. Pat Schauer, 216 Navajo Trail, Birmingham, Chairperson, Alabama Secretary Week and President of the Birmingham Chapter of the National Secretaries Association.**

**On motion of Mr. Fine, the Rules were suspended and the Resolution was adopted by the Senate.**

UNFINISHED BUSINESS  
BILLS ON THIRD READING

The Senate then proceeded to consideration of the second item of Unfinished Business for today, which was the Bill:

S. 62. To authorize and provide for the issuance of revenue bonds for the purpose of providing for the construction, reconstruction, improvement, alteration, enlargement and equipment of public office building facilities and of annexes, additions and enlargements of such buildings and for the acquisition of sites therefor; to authorize and provide for the establishment of a public corporation, to be known as the Alabama Capitol Building Authority, to issue such bonds; to provide that a part of the proceeds of such bonds shall be used by the authority established hereunder for the purpose of providing such public office building or buildings for the legislative branch of the government of the State of Alabama, that a part of such proceeds shall be used by the Alabama Building Authority for the purpose of constructing, altering and improving the public office building facilities heretofore constructed by such authority or for constructing and equipping of annexes, additions or enlargements of such building, and the remainder of the proceeds of such bonds shall be used by the Alabama Building Finance Authority for the purpose of constructing, altering and improving public office building facilities heretofore constructed by such authority or for constructing and equipping of annexes or additions to such buildings; to authorize the issuance of refunding bonds; to provide for the investment of the proceeds from the sale of such bonds; to provide that all properties procured, constructed or improved or enlarged with the proceeds of any bonds hereby authorized and the income therefrom and all bonds issued pursuant to this act and the income therefrom and all leases made and all lien notices filed relative to buildings or additions constructed, altered, improved or equipped pursuant to this act, shall be exempt from all taxation in the State of Alabama; to provide that such bonds shall constitute negotiable instruments; to provide that such bonds shall be payable solely out of revenues of the several authorities, respectively, and shall not create an obligation or debt of the state; to provide that any bonds issued pursuant to this act may be used as security for deposits and investment of public funds and fiduciary funds; to specify the application of the proceeds of the bonds issued pursuant to this act; to provide for the construction of public office building facilities, the alteration, construction of annexes or additions to, and improvement of public office building facilities and for the equipment of such facilities or additions thereto by the several authorities above listed; to authorize the conveyance to each of said authorities of lands owned by the State; to create a reserve fund for the benefit of the bonds issued pursuant to this act; to authorize the authority established hereunder to pledge such revenues from any facilities constructed under authority of this act as may be necessary to pay the principal of and interest on its bonds; to authorize the filing for record of an instrument reciting the issuance of said bonds and the creation of said pledge as a lien on said revenues which filing will constitute constructive notice; to provide that the state treasurer shall be the custodian of the funds of the authority; to provide for the lease to and by agencies, boards, commissions, public corporations, bureaus and departments of the State of Alabama and of the United States, and private parties of space for occupancy in said facilities or additions thereto; and to authorize publication of notice of each resolution authorizing any bonds or pledge

and to specify a limitation of time thereafter for actions or defenses respecting said bonds or pledge.

Mr. Little offered the following amendment to the Bill, S. B. 62, as amended, to-wit:

AMENDMENT TO S. B. 62, AS AMENDED

Amend Senate Bill No. 62, page 1, line 11, by striking out "\$26,500,000" and inserting in lieu thereof "\$15,600,000" and on page 8, line 21 by striking out "\$26,500,000" and inserting in lieu thereof "\$15,600,000"; and on page 8, line 28 by striking out "\$12,500,000" and inserting in lieu thereof "\$1,600,000".

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Merrill and Smith (C):

H. J. R. 341. REQUESTING THE STATE BOARD OF EDUCATION TO INCLUDE A PROGRAM OF CARDIOPULMONARY RESUSCITATION IN THE CURRICULUM OF SCHOOLS UNDER ITS SUPERVISION.

WHEREAS, cardiovascular disease is the number one killer of persons in the nation and in the State of Alabama; and

WHEREAS, sixty percent of those dying from this disease do so before reaching medical supervision, which is increasingly effective in saving the lives of those who suffer from said disease; and

WHEREAS, many more lives can be saved by prompt and proper treatment before the affected person can reach medical supervision; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do request the State Board of Education to include a program of cardiopulmonary resuscitation in the curriculum of schools under its supervision.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the members of the State Board of Education, to the State Superintendent of Education and to Dr. Warren G. Sarrell, President of the Alabama Heart Association.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 341, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Harris, Barron, Wyatt, Lewis and Plaster:

H. J. R. 337. Be it resolved by the Alabama House of Representatives, the Senate concurring, that there be and hereby is established in Montgomery County, a Commission to be known as The Montgomery County Elected Officials Salary Commission, hereinafter called "The Commission".

The Commission shall be composed of ten (10) members with the President of the Montgomery County Bar Association being the ex officio Chairman. The other nine (9) members shall be appointed as follows:

One appointment by each member of the House of Representatives whose District is within Montgomery County, either totally or partially (the Montgomery County House Delegation), and one by each Senator whose District is within Montgomery County, either totally or partially (the Montgomery County Senate Delegation), except that no elected or appointed official for Montgomery County will be appointed to the Commission. The terms of office for the members of the Commission will run from their appointment until the beginning of the next regular session of the Legislature or until a successor appointment is made by the appointing Legislator, except that the term of the ex officio Chairman shall coincide with his term as President of the Montgomery County Bar Association.

The Chairman shall preside over all meetings and shall set their time and place. The Commission shall make its own rules for the conduct of business. The initial meeting of the Commission can be called as soon as there are not less than five (5) appointments made. Members of the Commission shall serve without compensation.

The objective of the Commission will be to provide information and recommendation regarding salaries, expense allowances and any remuneration of any sort or kind of Montgomery County elected officials. The Montgomery County Legislative delegation will furnish through the Legislative reference service or otherwise background information and comparable figures from other Alabama counties and will furnish guidance to the Commission. A recommendation is requested from the Commission not less than once during each regular session of the Legislature.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The Resolution, H. J. R. 337, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 267. TO NAME THE NATIONAL GUARD ARMORY TO BE CONSTRUCTED IN LUVERNE, ALABAMA, "FORT JAMES DOUGLAS FINLAY".

JOHN W. PEMBERTON,  
Clerk.



## MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 266. Relative to joint session of the Legislature to hear an address by Admiral James L. Holloway, III.

JOHN W. PEMBERTON,  
Clerk.

## FURTHER CONSIDERATION OF S. B. 62

The Senate proceeded to further consideration of the Bill, S. B. 62, as amended. The question was on the amendment offered by Mr. Little.

## RECESS

At 12:55 P.M., on motion of Mr. Perry, the Senate took a recess until 1:15 P.M.

The recess period having expired, the Senate was called to order by Lieutenant Governor Beasley. A quorum of the Senate was present.

## FURTHER CONSIDERATION OF S. B. 62

The Senate proceeded to further consideration of the Bill, S. B. 62, as amended. The question was on the amendment offered by Mr. Little.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Martin:

H. J. R. 328. URGING THE UNITED STATES CONGRESS TO AMEND THE ENDANGERED SPECIES ACT OF 1973 TO PERMIT THE COMPLETION OF PROJECTS AND PROGRAMS FOR THE PUBLIC WELFARE.

WHEREAS, the Endangered Species Act of 1973 has been used to halt, delay, or otherwise prevent the initiation and completion of transportation, energy, and water resource development projects; and

WHEREAS, these developmental projects will contribute immensely to the future welfare of the people of the State of Alabama by providing needed jobs, electric energy, water supply, flood protection, recreation, and otherwise stimulating commerce and creating new employment opportunities for its people; and

WHEREAS, the completion of projects presently under construction will avoid the waste of scarce national resources and public funds already committed to these projects and fulfill the public needs and plans of local communities which have participated in and contributed towards their development; and

WHEREAS, the Governor and the Senate and House of Representatives of the State of Alabama believe that legislation should allow for

responsible balancing of all factors relevant to providing a quality environment for man, which considers his economic and social needs as well as important ecological concerns; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby memorialize, request, and recommend to the United States Congress to amend the Endangered Species Act of 1973 to provide for balancing conservation interests with the social and economic needs of the people, and to allow for the completion and use of projects that are already under construction; and, further, urge President Jimmy Carter to support and sign such changes into law.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to all members of the Alabama Congressional delegation and to President Jimmy Carter.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The Resolution, H. J. R. 328, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 94. Relating to counties having a population of not less than 150,000 nor more than 180,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide that certain homebaked or homemade goods shall not be subject to the regulations of any state or county health department.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Campbell, Pegues, Smith (B), McCluskey, Venable and Quarles:

H. 285. To validate in certain cases elections heretofore held in municipalities or counties on the question of the issuance of bonds.

Also:

By Messrs. Campbell, Pegues, Smith (B), McCluskey, Venable and Quarles:

H. 286. To validate in certain cases municipal corporations attempted to be organized under the laws of Alabama which might be invalid because of any irregularity in the procedure for incorporation.

Also:

By Messrs. Campbell, Pegues, Smith (B), McCluskey, Venable and Quarles:

H. 287. To validate in certain cases elections held in municipalities or counties on the question of authorizing any special taxes under the Constitution.

Also:

By Messrs. Campbell, Pegues, Smith (B), McCluskey, Venable and Quarles:

H. 288. To validate, in certain cases, annexations heretofore held by municipalities.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 285, 286, 287 and 288. To the Committee on Local Government.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 244. To authorize the county governing body of counties having a population of not less than 17,000 nor more than 20,000 inhabitants according to the 1970 or any subsequent federal decennial census to establish the position of deputy coroner and to set and pay from the county general fund the salary and any reasonable expense allowance for such office; and to prescribe the duties of such office.

Also:

S. 406. Relating to Crenshaw county; to provide that the sheriff shall be entitled to the allowance payable by the state for feeding prisoners; to provide that the provisions of this act shall be retroactive.

Also:

S. 408. Relating to Crenshaw County; to provide for the employment of clerks, secretaries, and clerical assistants to perform duties in the Office of the Judge of Probate and in the Office of the Sheriff of Crenshaw County; to provide for the salaries of all such employees; and to authorize the Crenshaw County Commission or other like governing body to pay salaries or any portion thereof of existing and future clerks, secretaries and clerical assistants employed by the Judge of Probate and the Sheriff and who are performing duties in such respective offices; and making the provisions of this act retroactive to October 1, 1973.

JOHN W. PEMBERTON,  
Clerk.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Smith (M) and Higginbotham (with notice and proof):

H. 438. Relating to Chambers County; providing for the reorganization of the county board of education and providing for election and length of term for the new members of such board.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 438, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Messrs. Venable and Plaster (with notice and proof):

H. 580. Relating to Elmore County; to provide for a chief deputy sheriff, an assistant chief deputy sheriff and other deputies sheriff of Elmore County, Alabama; and to provide for their compensation, and to repeal conflicting laws.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 580, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Messrs. Killian and Mitchem:

H. 623. Relating to counties having a population of not less than 41,750 nor more than 45,000 according to the 1970 or any subsequent federal decennial census; providing that any three municipalities under the purview of this act may jointly form a board of water and sewer commissioners under the provisions of Act No. 775, S. 274, 1951 Regular Session, as amended [Acts of 1951, p. 1359; now appearing in Code of Alabama, Recompiled 1958, Title 37, Sections 402(28)-402(46)] and to further provide that such municipalities may alter the membership and organization of the board.

Also:

By Mr. Rich (with notice and proof):

H. 727. To alter or rearrange the boundary lines of the town of Cedar Bluff, Cherokee County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Cedar Bluff, Alabama.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 727, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Mr. McCluskey:

H. 729. To provide for the night hunting and taking of racoons and opossums with the use of a light and/or shotgun using shot no larger than number eight, or with a 22-caliber rimfire rifle using 22-caliber-short ammunition in all counties having a population of not less than 10,660 nor more than 10,900 inhabitants according to the 1970 or any subsequent federal decennial census.

Also:

By Mr. Campbell:

H. 788. Proposing an amendment to the Constitution of Alabama relating to placing the probate judge, the tax assessor, and the tax collector of Choctaw County on a salary basis of compensation.

Also:

By Mr. Dial:

H. 806. To amend further Section 3 of Act No. 1945, H. 584, Regular Session 1971 (Acts 1971, p. 3143), as last amended, which provides for and regulates the employment of county engineers so as to provide that the county engineer in certain counties need not be qualified as a land surveyor in order for the State Highway Department to participate in the payment of a portion of the county engineer's salary.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 438, 580, 623, 727, 729, and 788. To the Committee on Local Legislation No. 1.

H. B. 806. To the Committee on Finance and Taxation.

(The above numbered Bill, H. B. 788, was read at length as required by the Constitution.)

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Johnson:

H. 645. Relating to counties having a population of not less than 110,000 nor more than 150,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide for the salaries and expense allowances of certain county officers in such counties.

Also:

By Messrs. Moore (O), Waggoner and Smith (C):

H. 663. To regulate further the excusing of persons from jury service in the Eighteenth Judicial Circuit; to require persons excused from jury service at one time to serve at a subsequent time; and to regulate the compensation of jurors who serve under certain conditions.

Also:

By Mr. Hines:

H. 708. To propose an amendment to the Constitution of Alabama providing for home rule for Escambia County or any municipality within Escambia County.

Also:

By Mr. McMillan:

H. 836. To alter or rearrange the boundary lines of the City of Satsuma, Mobile County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory contiguous thereto, in Mobile County, Alabama.

Also:

By Mr. Kelley (with notice and proof):

H. 738. To alter, rearrange and extend the boundary lines and corporate limits of the town of Grant, Alabama.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 738, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Messrs. Carter and Moore (W) (with notice and proof):

H. 849. Relating to Limestone County; giving the county governing body certain powers in regard to maintaining roads and rights-of-way leading to homes or residences on private property.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 849, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Messrs. Carter and Moore (W) (with notice and proof):

H. 850. Relating to Limestone County; to authorize the county commission to appropriate an amount not to exceed \$3,000 in their annual budget for industrial promotion.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 850, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Mr. Weeks:

H. 858. Relating to all counties having a population of not less than 22,575 nor more than 23,800 inhabitants according to the 1970 or any subsequent federal decennial census; to provide for the expense allowances and salaries of the members of the county commission in such counties.

Also:

By Mr. Smith (J):

H. 876. Relating to counties having a population of not less than 21,000 nor more than 22,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide that the county commission in such counties may employ a secretary for the district court judge and to set said secretary's salary.

Also:

By Mr. Smith (J):

H. 877. Relating to counties having a population of not less than 21,000 nor more than 22,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide that the county commission in any such county may employ up to three additional assistants in the circuit clerk's office and to provide the salary for such employees.

Also:

By Mr. Smith (J):

H. 878. Relating to counties having a population of not less than 21,000 nor more than 22,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide further for the election of the county superintendent of education and members of the county board of education.

Also:

By Mr. Smith (J):

H. 879. Relating to counties having a population of not less than 21,000 nor more than 22,000 according to the 1970 or any subsequent federal decennial census; to provide further for the salary and expense allowance of the superintendent of education.

Also:

By Mr. Folmar (with notice and proof):

H. 855. Relating to Pike County; prescribing further the procedure for reidentification of registered voters so as to provide that any qualified elector who voted in any election in 1976 or who votes in any election in 1977 shall be automatically reidentified; and giving this act retroactive effect.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 855, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Mr. Cross:

H. 764. Relating to any county having a population of not less than 27,000 nor more than 27,900 according to the 1970 or any subsequent federal decennial census; exempting all volunteer fire departments within any such county from the payment of all state, county and municipal sales and use taxes.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 645, 663, 708, 836, 738, 849, 850, 858, 876, 877, 878, 879, 855, and 764. To the Committee on Local Legislation No. 1.

(The above numbered Bill, H. B. 708, was read at length as required by the Constitution.)

### FURTHER CONSIDERATION OF S. B. 62

The Senate proceeded to further consideration of the Bill, S. B. 62, as amended. The question was on the amendment offered by Mr. Little.

### PETITION

Pursuant to the provisions of Senate Rule 20, the following petition was read and ordered spread upon the Journal, to-wit:

We, the undersigned members of the Alabama Senate do hereby petition, pursuant to Rule 20 of the Senate Rules, that debate on the bill, S. 62 as amended, shall cease and a vote be taken on such bill at 4:45 p.m. today, March 22, 1977.

T. D. Little  
Fred U. Jones  
T. Dudley Perry  
George McMillan  
Robert T. Wilson  
E. H. Gilmore  
Bill Roberts  
Maston Mims  
A. McDonald  
Sam L. Adams  
Wendell Mitchell  
John a. Teague  
Obie J. Littleton



Bingham D. Edwards

Finis St. John

Mike Perloff

J. Richmond Pearson

Jerry Powell

#### FURTHER CONSIDERATION OF PETITION

Upon completion of debate as prescribed in Senate Rule 20, Mr. Perry moved adoption of the petition to limit debate on S. B. 62.

And said motion was lost, for failure to receive the required two-thirds majority.

Yeas 20; Nays 11.

*Yeas:*

Messrs. Adams, Edwards, Gilmore, Higginbotham, Jones, Little, Littleton, McDonald A(), McDonald (S), McMillan, Mims, Mitchell, Noonan, Pearson, Perloff, Perry, Powell, Roberts, Teague, Wilson.

—20

*Nays:*

Messrs. Baker, Bank, Ellis, Goodwin, Miller, Owen, Peden, St. John, Shelby, Stewart, Waldrop.

—11

#### FURTHER CONSIDERATION OF S. B. 62

The Senate proceeded to further consideration of the Bill, S. B. 62, as amended. The question was on the amendment offered by Mr. Little.

On motion of Mr. Shelby, further consideration of the Bill, S. B. 62, and pending amendment, was postponed for two hours as Unfinished Business.

#### SPECIAL ORDER

##### BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 528. Relating to the thirty-fourth judicial circuit, providing the circuit judge of said circuit an annual county supplemental compensation payable by the county composing said circuit.

And said Bill, S. B. 528, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Fine, Goodwin, Jones, King,

Little, McMillan, Miller, Mims, Mitchell, Owen, Peden, Perry, Powell, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

S. 550. Providing a supplement to the salary of the circuit judge of the second judicial circuit to be paid in equal parts by the counties composing said circuit.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Gilmore, Jones, King, Little, Littleton, Miller, Mitchell, Owen, Pearson, Peden, Perloff, Powell, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

S. 549. Relating to all counties having a population of not less than 13,000 nor more than 13,250 inhabitants according to the 1970 or any subsequent federal decennial census; to provide further for the use of the sheriff's fund in such counties and to repeal conflicting statutes.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Goodwin, Jones, King, Little, Littleton, McMillan, Miller, Mitchell, Owen, Pearson, Peden, Perloff, Powell, St. John, Shelby, Stewart, Teague, Vacca, Wilson.

—25

*Nays:*

—0

The Bill:

S. 222. To authorize the Alabama Court of Criminal Appeals to hire three staff attorneys and one stenographer and to pay the necessary salaries and expenses thereof, in addition to the staff presently employed by said Court; to make an appropriation out of the state general fund to cover said salaries and expenses.

was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, S. B. 222, to-wit:

## COMMITTEE AMENDMENT TO S. B. 222

## AMEND S. B. 222, SECTION 3, TO READ AS FOLLOWS:

Section 3. Expenses. There is hereby appropriated from the state general fund to the Alabama Court of Criminal Appeals a supplemental appropriation for the fiscal year ending September 30, 1977, in the amount of \$53,000 for salaries; \$5,000 for equipment purchases; and \$9,000 for other expenses, including rent and utilities.

There is also hereby appropriated from the state general fund to the Alabama Court of Criminal Appeals a supplemental appropriation for the fiscal year commencing October 1, 1977, and ending September 30, 1978, the amount of \$68,000 for salaries and other expenses, including rent and utilities.

Which was adopted.

Yeas 23; Nays 2.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Jones, King, Littleton, McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Powell, Roberts, St. John, Shelby, Stewart, Waldrop.

—23

*Nays:* Messrs. Little, McDonald (A).

—2

And said Bill, S. B. 222, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 3.

*Yeas:*

Messrs. Adams, Baker, Edwards, Ellis, Goodwin, Higginbotham, King, McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Powell, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Wilson.

—22

*Nays:* Messrs. Jones, Little, Peden.

—3

The Bill:

S. 266. To allow the Commissioner of Insurance to place an insurance company under an order of supervision after a hearing thereon by appropriate order; setting forth certain prohibited acts while under supervision without prior approval.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 27; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Goodwin, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell,

Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart.

—27

*Nays:*

—0

### BILL RECONSIDERED

On motion of Mr. Peden, the Senate reconsidered the vote by which the Bill, S. B. 528, was passed.

Mr. Peden then moved that said Bill, S. B. 528, be referred to another Committee, which motion was adopted.

And the President and Presiding Officer of the Senate ordered said Bill, S. B. 528, referred to the Standing Committee on Local Government.

### RESOLUTION

Mr. McMillan offered the following Senate Joint Resolution, to-wit:

S. J. R. 290. MOURNING THE DEATH OF WILLIAM R. J. DUNN, JR.

WHEREAS, On February 8, 1977, death claimed William R. J. Dunn, Jr., of Birmingham, at the age of 59; and

WHEREAS, Mr. Dunn, chairman of the board of Dunn Construction Company, was also chairman of the Board of Trustees of Cooper Green Hospital, and past president of both the Alabama Road Builders' Association and the Alabama Association of General Contractors, as well as having served on the boards of First Alabama Bank and Guaranty Savings and Loan association; and

WHEREAS, He was educated at Washington and Lee University and the University of Alabama Law School; and

WHEREAS, He was the senior warden at St. Mary's Episcopal Church and was extremely active in his church, and other charitable and civic affairs; and

WHEREAS, Mr. Dunn was a man of the highest integrity, and possessed genuine and compassionate interest in others; and

WHEREAS, The City of Birmingham and the State of Alabama have lost a true gentleman and one of their most highly respected and valuable citizens; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That, although we grieve at his death, we are grateful for the life of William R. J. Dunn, Jr., and the many contributions he made to the life of his beloved city and state.

BE IT FURTHER RESOLVED, That our deepest sympathy is extended to his widow, Mrs. Beverly Dunn, his daughters, Mrs. Mary French and Mrs. Lucy Blount, and his mother, Mrs. William R. J. Dunn, Sr., to whom copies of this resolution shall be sent.

On motion of Mr. McMillan, the Rules were suspended and the Resolution was adopted by the Senate.

REPORT OF  
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills and Senate Joint Resolutions with the original Senate Bills and Senate Joint Resolutions respectively, and finds same correctly enrolled, to-wit:

S. 94. Relating to counties having a population of not less than 150,000 nor more than 180,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide that certain homebaked or homemade goods shall not be subject to the regulations of any state or county health department.

Also:

S. 244. To authorize the county governing body of counties having a population of not less than 17,000 nor more than 20,000 inhabitants according to the 1970 or any subsequent federal decennial census to establish the position of deputy coroner and to set and pay from the county general fund the salary and any reasonable expense allowance for such office; and to prescribe the duties of such office.

Also:

S. 406. Relating to Crenshaw county; to provide that the sheriff shall be entitled to the allowance payable by the state for feeding prisoners; to provide that the provisions of this act shall be retroactive.

Also:

S. 408. Relating to Crenshaw County; to provide for the employment of clerks, secretaries, and clerical assistants to perform duties in the Office of the Judge of Probate and in the Office of the Sheriff of Crenshaw County; to provide for the salaries of all such employees; and to authorize the Crenshaw County Commission or other like governing body to pay salaries or any portion thereof of existing and future clerks, secretaries and clerical assistants employed by the Judge of Probate and the Sheriff and who are performing duties in such respective offices; and making the provisions of this act retroactive to October 1, 1973.

Also:

S. J. R. 266. Welcoming Admiral James L. Holloway, III.

Also:

S. J. R. 267. TO NAME THE NATIONAL GUARD ARMORY TO BE CONSTRUCTED IN LUVERNE, ALABAMA, "FORT JAMES DOUGLAS FINLAY".

OBIE J. LITTLETON,  
Acting Chairman.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing

bills and Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

### BILLS ON THIRD READING RESUMED

#### The Bill:

S. 469. To set forth a declaration of public policy and legislative intent; to define terms used herein; to require that persons detonating blasting agents and/or explosives be examined and licensed by the State of Alabama; to provide for the payment of fees for examinations and licenses; to provide for the suspension and revocation of licenses and for hearings and appeals in connection therewith; to provide for the licensing of certain persons experienced in blasting without examination upon the payment of a fee; to provide certain standards of blasting safety including notification to owners of certain types of properties and requiring that protective measures be taken when needed in regard to such properties, the covering of a certain type of detonating cord in certain circumstances, prohibiting the impeding of traffic by the throwing of blasted material on highways without prior agency approval and the prohibition of night time blasting except when necessary for safety of operations or with prior approval of Agency; to establish standards for blasting including establishing a peak particle velocity of ground motion at certain locations, the establishing of formulae for regulating the amounts of blasting agents and/or explosives allowable under certain conditions and establishing a table of such amounts; to provide for monitoring of blasting by seismological devices and prescribing criteria for their design and use; to establish a formula for computing certain effects of blasting; to establish permissible occasions for the use of seismographic equipment; to provide for the keeping of certain records and their availability for examination by the state; to require that those engaged in blasting operations obtain property damage and personal injury liability insurance; to establish penalties for the violation of this Act; to provide for the administration of this Act by the Department of Industrial Relations and by the Alabama Surface Mining Reclamation Commission; to provide a severability clause; to repeal certain laws and to prohibit the enactment of local, county, or municipal regulations; to establish powers of the administering agencies; to establish a short title, and to provide for an effective date.

was taken up.

Messrs. Baker and Ellis offered the following amendment to the Bill, S. B. 469, to-wit:

#### AMENDMENT TO S. B. 469

Amend Senate Bill No. 469 Page 2 Line 9, by striking out after the word "laws", the following words on lines 9 and 10 as follows:

"and to prohibit the enactment of local, county, or municipal regulations."

and also on page 13 by deleting lines 32-34 and by deleting lines 1 and 2 on page 14.

On motion of Mr. Wilson, said amendment was laid on the table.

Yeas 14; Nays 13.

*Yeas:*

Messrs. Adams, Bank, Fine, Gilmore, Goodwin, Higginbotham, Littleton, Mitchell, Peden, Perry, Powell, St. John, Teague, Wilson.

— 14

*Nays:*

Messrs. Baker, Edwards, Ellis, King, Little, McDonald (A), McMillan, Miller, Mims, Pearson, Roberts, Stewart, Vacca.

— 13

Mr. Little offered the following amendment to the Bill, S. B. 469, to-wit:

#### AMENDMENT TO S. B. 469

Amend Senate Bill No. 469 Page 7 on line 24 by inserting the following provision:

(3) Notwithstanding any provision in this Act, when blasting operations are to be conducted within eight hundred feet of any herd of livestock, the licensed blaster or person in charge of the blasting operations shall take due precautionary measures for the protection of such livestock, and shall notify the owner or custodian of the herd 24 hours in advance that such blasting operations are intended.

On motion of Mr. Fine, said amendment was laid on the table.

Mr. King moved that further consideration of the Bill, S. B. 469, be postponed until the next Legislative Day.

On motion of Mr. Wilson, the motion to postpone was laid on the table.

Yeas 19; Nays 10.

*Yeas:*

Messrs. Adams, Fine, Gilmore, Goodwin, Littleton, McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Powell, St. John, Shelby, Teague, Wilson.

— 19

*Nays:*

Messrs. Baker, Edwards, Ellis, Higginbotham, King, Little, McDonald (A), Roberts, Stewart, Vacca.

— 10

And said Bill, S. B. 469, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 6.

*Yeas:*

Messrs. Adams, Bank, Fine, Gilmore, Goodwin, Jones, Littleton, McMillan, Mims, Mitchell, Noonan, Pearson, Peden, Perloff, Powell, St. John, Shelby, Stewart, Teague, Vacca, Wilson.

— 21

*Nays:*

Messrs. Baker, Edwards, King, Little, Miller, Perry.

—6

### BILLS RE-REFERRED

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill, H. B. 632, and ordered same returned to the Senate with the recommendation that it be re-referred to another committee.

And the President and Presiding Officer of the Senate ordered said Bill, H. B. 632, re-referred to the Standing Committee on Finance and Taxation.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 246. MOURNING THE DEATH OF JOSEPH THOMAS PRIESTER, SR.

Also:

S. J. R. 260. MOURNING THE DEATH OF WAYNE M. LOWE.

Also:

S. J. R. 261. MOURNING THE DEATH OF MELVIN CAMP KILPATRICK.

Also:

S. J. R. 262. MOURNING THE DEATH OF ERVIN A. PHILLIPS.

Also:

S. J. R. 263. HONORING MACK GARRETT FOR OUTSTANDING SERVICE IN THE FIELD OF LAW ENFORCEMENT.

Also:

S. J. R. 264. COMMENDING JOSEPH FAULKNER, COMMUNITY SERVICE AWARD RECIPIENT.

Also:

S. J. R. 265. COMMENDING THE WESTMINSTER CHRISTIAN HIGH SCHOOL BASKETBALL TEAM FOR THEIR CHAMPIONSHIP VICTORY.

Also:

S. J. R. 268. CONGRATULATING AND COMMENDING THE ANDALUSIA HIGH SCHOOL FOOTBALL TEAM.



Also:

S. J. R. 270. COMMENDING JEREMY MILLS FOR  
HEROISM.

JOHN W. PEMBERTON,  
Clerk.

### BILLS ON THIRD READING RESUMED

The Bill:

S. 458. To further regulate public utilities and protect the public welfare; to create the Committee on Public Utilities; to prescribe the powers, duties, and responsibilities of the members and their compensation therefor; to require certain functions of the department of examiners of public accounts; to make appropriations from certain fees paid to the Public Service Commission and, as necessary, from the general fund of the state treasury.

was taken up.

### ADJOURNMENT

At 4:05 P.M., Mr. Perry moved that the Senate adjourn until Thursday, March 24, 1977, at 2 o'clock P.M.

Mr. King offered a substitute motion that the Senate adjourn until 10 o'clock A.M., which motion was adopted, and at 4:07 P.M., pending further consideration of S. B.'s 458 and 62, the Senate adjourned until Thursday, March 24, 1977, at 10 o'clock A.M.

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### FOURTEENTH LEGISLATIVE DAY

THURSDAY, MARCH 24, 1977

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

### PRAYER

The Session was opened with prayer by the Reverend Billy F. Hall, Pastor, First United Methodist Church, Jackson, Alabama.

### ROLL CALL

Present:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—34

### JOURNAL

On motion of Mr. Peden, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Thirteenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

OBIE J. LITTLETON,  
Acting Chairman.

COMMITTEE REPORT

On motion of Mr. Littleton, the foregoing report was concurred in and the Journal of the Senate for the Thirteenth Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. Peden, leave of absence was granted Mr. Perry for today.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. St. John (with notice and proof):

S. 713. Relating to Cullman County: to protect and preserve water purification and prevent water contamination by prohibiting strip mining of coal or other minerals in certain areas contiguous to Lewis Smith Lake in Cullman County; to prescribe penalties and sanctions for violations; and generally to promote the health and welfare of the inhabitants of Cullman County.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 713, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. St. John:

S. 714. To amend Title 33, Section 64, Code of Alabama 1940 Recompiled 1958, relating to mechanic's liens and assignment thereof, so as to provide further for the transfer of such liens to security by a deposit of money or bond with the court.

Committee on Judiciary.

By Messrs. Vacca and Ellis:

S. 715. To provide for the granting of up to six years of creditable service under the Teachers' Retirement System of Alabama for employment—service in public education, which service was rendered

outside of the State of Alabama under certain conditions and provided that any member of the Teachers' Retirement System claiming such service must pay the total cost involved therein.

Committee on Finance and Taxation.

By Mr. Shelby:

S. 716. To provide a system of reinsurance to protect policyowners, insureds, beneficiaries, annuitants, payees and assignees in Alabama life insurance companies from default on any life insurance policy, life annuity, or supplementary contracts without life contingencies issued by any such company; to create a depository reinsurance trust fund for a portion of certain assets of said companies in order to provide funds for such reinsurance; to prescribe what assets shall be approved for deposit in the reinsurance trust fund; to authorize and require the Insurance Commissioner to supervise the placing of company assets into such fund to meet the requirements of this Act; to authorize the Insurance Commissioner to transfer the life insurance policies, life annuities, or supplementary contracts to other Alabama companies if the insurer fails to deposit the required assets; to give the policyowners a first lien on all company assets in the event of such failure; to authorize the department to change and alter the policy forms to effect the transfer of such insurance and to substitute non-participating insurance for participating insurance, keeping the face amount of the insurance intact; and to provide procedures for the supervision of the assets and activities of companies failing to comply with the terms of this Act.

Committee on Insurance.

By Mr. Higginbotham:

S. 717. To amend further Section 18 of Act No. 403, H. 330, 1971 Regular Session (1971 Acts, p. 689), relating to the registration and licensing of barbers and barber apprentices, so as to add Russell County to the list of counties to which the Act does not apply.

Committee on State Government.

By Mr. Goodwin:

S. 718. To provide for appointment and designation of Supernumerary Sheriffs of the several counties within this State; to prescribe qualifications for the participants in such commission as Supernumerary Sheriff; to prescribe regulations and procedures for participation in such commission as Supernumerary Sheriff and to repeal conflicting statutes.

Committee on Finance and Taxation.

By Mr. Powell:

S. 719. To amend Section 2 of Act No. 1218, H. 342, Regular Session of 1973 as amended by Section 1 of Act No. 1133, H. 1623, Regular Session of 1975 which relates to appropriation for the renovation, repair, refurbishing, and refurnishing to certain state buildings so as to permit the previously appropriated sum of Two Million Dollars to be used for both interior and exterior restoration of the State Capitol.

Committee on Finance and Taxation.

By Mr. Owen:

S. 720. To amend Section 4 of Act No. 515, H. 93, 1945 Regular Session (Acts of 1945, p. 734; now appearing in Code of Alabama Recompiled 1958, Title 55, Section 459) which relates to the Employees' Retirement System of Alabama so as to lower the time period in such section.

Committee on Finance and Taxation.

By Mr. Clemon:

S. 721. Relating to the Tenth Judicial Circuit; allowing the District Courts of the Tenth Judicial Circuit to initiate and conduct a pretrial diversionary program within said circuit for first offenders who are charged or may be charged with certain non-violent property related offenses.

Committee on Local Legislation No. 2.

By Mr. Shelby:

S. 722. To provide further for the compensation of the Director of the Legislative Reference Service.

Committee on Finance and Taxation.

By Mr. Shelby:

S. 723. To provide further for interstate cooperation; specifically to provide for a transfer of the duties, functions, jurisdiction, authority, property and effects of the Alabama Commission on Intergovernmental Cooperation, upon its termination, to the Legislative Council; to vest certain powers and authority in the Legislative Council; and to declare that the Council of State Governments shall continue to be a joint governmental agency of this State and of the other states which cooperate through it.

Committee on Finance and Taxation.

By Mr. Noonan:

S. 724. Providing for the issuance of a certificate of birth by the state registrar of vital statistics for any child who was born outside the United States or its possessions and adopted, heretofore or hereafter, by an order of a court in this state.

Committee on State Government.

By Mr. Adams (with notice and proof):

S. 725. To alter, rearrange, and extend the City Limits and Corporate Limits of the Municipality of Eufaula, in Barbour County, Alabama.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 725, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Baker:

S. 726. Relating to the ninth judicial circuit, providing the register serving the most populous county of the circuit certain compensation supplemental to that compensation payable from the state, to be paid by the county commission of the most populous county of the circuit.

Committee on Local Legislation No. 1.

By Mr. Peden:

S. 727. Relating to counties having a population of not less than 65,500 nor more than 75,200 according to the 1970 or any subsequent federal decennial census; to designate Highway No. 14 in such county a state highway.

Committee on Local Legislation No. 1.

By Mr. Fine:

S. 728. To provide for establishment and operation of an Alabama Music Hall of Fame Board, and to prescribe its powers and duties.

Committee on Commerce, Transportation,  
and Utilities.

By Mr. Pearson:

S. 729. To exempt Goodwill Industries of America, Inc. and any of its branches or agencies, specifically Alabama Goodwill Industries, Inc., Goodwill Industries of Central Alabama, Inc., and Goodwill Industries of the Mobile Area, Inc., from payment of all state, county and municipal sales and use taxes.

Committee on Finance and Taxation.

By Mr. McDonald (A):

S. 730. To provide for the establishment and administration of certain regional legislative service offices.

Committee on Local Government.

By Mr. Shelby:

S. 731. To make child abuse a criminal offense in Alabama; to define the offense of child abuse; and to prescribe the penalty to be imposed on any person found guilty of such offense.

Committee on Judiciary.

By Mr. McDonald (S):

S. 732. To remove prohibitions against municipal officers serving as officers or board members of cooperative utilities; to provide that persons serving in both capacities shall not be deemed to be interested in contracts between the municipality and the cooperative utility; and to repeal conflicting laws.

Committee on Local Government.

By Mr. Shelby:

S. 733. To comply with the Omnibus Crime Control and Safe Streets

Act of 1968 (PL 90-351), as amended and establishes the ALABAMA LAW ENFORCEMENT PLANNING AGENCY.

Committee on Finance and Taxation.

By Mr. Jones:

S. 734. To revise the present bail system, establishing four kinds of bail (PERSONAL RECOGNIZANCE, CASH, PROPERTY, PROFESSIONAL SURETY); and to establish rules, regulations, and laws to guarantee that all persons, regardless of the financial or social status, shall not needlessly be detained pending their appearance to answer charges; and to update laws which regulate bail bond companies; and to establish more lenient property bail; and said act shall be known as "The Alabama Bail Reform Act of 1977".

Committee on State Government.

### REPORTS OF COMMITTEES

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Owen:

S. 352. To provide a state scholarship program to promote the post baccalaureate education of graduate nurses in an accredited graduate nursing program in Alabama, and making appropriations therefor.

By Messrs. Stewart and Owen:

S. 541. To create a state school bus maintenance and repair facility to be operated by the State Board of Corrections; to further create a permanent governing committee which shall direct the establishment and operation of such facility; and to make appropriations from the general fund in the State Treasury to said board to be used for such facility.

By Mr. Adams:

S. 484. To provide safeguards for federal tax return information used in the administration of Alabama revenue laws and to provide penalties for the misuse of such information.

By Messrs. Ellis and Bank:

S. 605. To exempt a prosthesis from all state, county or city sales and use tax.

By Mr. McDonald (A):

S. 102. To amend further Code of Alabama 1940, Title 51, Section 2, as amended, so as to provide for the exemption from ad valorem taxation of all improvements to real estate designed and installed for the specific purpose of providing solar energy for heating, cooling and all other applications.

By Mr. Bank:

S. 496. To amend Sections 3, 4, 5 subsection (c), Section 7 subsections (a) and (c), and Section 8 of Act No. 863, 1975 Regular Session, approved October 7, 1975, which established the Alabama Firefighters' Personnel Standards and Education Commission, so as to provide further for the executive secretary and clerical assistants of the Commission, to provide that the members of this Commission shall receive per diem for each meeting plus travel expenses as provided by state travel law, to provide a quorum shall be a majority of the members, to correct reference to Section 8 to read "Section 7", to amend minimum age to 18, and to further provide a 12 months period for applicant to complete 240 hours training.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Little (With Amendment):

S. 339. To provide a tax credit not to exceed one thousand dollars (\$1,000.00) in an amount equal to 25% of the cost of equipment used in the taxpayer's principal residence for solar heating, cooling or heating and cooling if the residence is located in Alabama.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Peden, Fine, Clemon, Perloff, Gilmore, Owen, King, Pearson, St. John and McDonald (A):

S. 576. Relating to state highway department construction and maintenance projects within the corporate limits of municipalities in this state; to prescribe procedure whereby federal matching funds may be made available for such projects and to regulate the allocation of such funds.

By Messrs. Mitchell and Adams:

S. 410. To make an appropriation from the State General Fund to the Alabama Travel Council for the remainder of the fiscal year ending September 30, 1977.

By Mr. Noonan:

S. 311. To make appropriations from the general fund in the state treasury to the Alabama Coastal Area Board Fund for the fiscal years ending September 30, 1977 and 1978.

By Mr. Noonan:

S. 309. To appropriate \$30,000.00 from the general fund in the state treasury, to the Alabama Coastal Area Board Fund for the fiscal year ending September 30, 1978.

By Mr. Turnham:

H. 32. To amend the title and further amend Sections 1, 3, 4 and 5 of Act No. 755, 1967 Regular Session (Acts of Alabama 1967, Vol. II, p. 1609), as amended, entitled "To provide Supernumerary Tax Collectors, Tax Assessors, License Commissioners, or other elected officials charged with the assessment and/or collection of any ad valorem taxes in the various counties of the State of Alabama; describing their duties, setting up their requirements and qualifications; fixing their compensation; status and tenure of office; and providing for the payment of their salaries," so as to provide further for the requirements, qualifications and compensation for such Supernumerary Tax Collectors, Tax Assessors and License Commissioners, or other elected officials charged with the assessment and/or collection of any ad valorem taxes in this state, in the various counties of the State of Alabama having a population of less than 600,000 inhabitants.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Naramore and Crowe (With Amendment):

H. 89. To provide sick leave for full-time support personnel who are non-certificated educational employees in city and county school systems and the Alabama Institute for Deaf and Blind.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Owens, et al:

H. 218. To regulate further the compensation of certain public officers; to provide for such a salary adjustment for Alabama state troopers and police communications officers as will bring the salaries of these employees of the Department of Public Safety to a level approximating the average salary of like employees in the Southeastern United States; to make an appropriation to implement this act; and specifically to provide that this act shall operate to increase the compensation only of those officers named herein and shall not affect the compensation of any other public officer; and to repeal conflicting laws.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Baker (With Substitute):

S. 556. To amend Section 7 of Act No. 1163, H. 1829, 1973 Regular Session (Acts of 1973, p. 1948; now appearing in Code of Alabama, Recompiled 1958, Title 13, Section 528), which "creates the Judicial Retirement Fund, and provides for the administration and supervision thereof"; so as to change retirement benefits payable to 75% of the judge's final salary upon retirement.



Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Baker:

S. 557. To amend Section 1 of Act No. 1050, S. 125, 1969 Regular Session (Acts of 1969, p. 1965; now appearing in Code of Alabama, Recompiled 1958, Title 13, Section 260(6a) ) which relates to the salaries, tenure and removal of supernumerary district attorneys; so as to provide that the salaries of such supernumerary district attorneys shall be seventy-five percent of the final salary paid to them upon their retirement.

By Mr. Baker:

S. 571. To provide further for the compensation of the district attorneys of the several judicial circuits of the state.

By Mr. Adams:

S. 483. To amend Section 413, Title 51, Code of Alabama 1940, which relates to exceptions to the general rule concerning period of limitation upon assessment and collection.

By Mr. Little:

S. 234. To exempt Bibles from sales and use taxes.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Stewart (With Substitute) (With Amendment):

S. 99. To regulate the practice of counselors in Alabama; to create a Board of Examiners in Counseling; to prescribe the duties and powers of said Board; to provide for the examination and licensure of counselors and the examination and certification of counselor associates; to fix penalties for the violation of this Act; to impose licensure and certification fees and to provide for the use of funds received.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Jones:

S. 652. To amend further Section 12 of Act No. 999, H. 288, Regular Session 1969 (Acts 1969, p. 1855) now appearing in the Code of Alabama 1940, Recompiled 1958, Title 55, Section 475 (48) so as to provide further for the Alabama peace officers annuity and benefit fund.

By Mr. King:

S. 701. To amend Title 41, Section 1, Code of Alabama 1940, Recompiled 1958, relating to the state board of pardons and paroles, so as

to add two additional members and provide for their terms of office, and to provide that the presiding judge of the court of criminal appeals be a member of the nominating board for the board of pardons and paroles, and to delete certain salary provisions for members of the board, which provisions have been superseded by subsequent law.

Mr. Waldrop, Chairman of the Standing Committee on Business and Labor Relations, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Jones (With Amendment):

S. 356. To provide that the fire fighters of any municipality may by the election provided for in this Act designate a bargaining agent to represent them in respect to the wages and municipality employing them pays to them as fire fighters and in respect to other conditions of their employment; to provide the procedure for elections to be called and held under this Act, including the elections to certify a bargaining agent and elections to decertify a bargaining agent; to provide for collective bargaining proceedings to be instituted by the bargaining agent for the fire fighters or the officer, commission or board empowered to establish wages for the fire fighters; to authorize the Director of Labor to establish rules and regulations governing the call of, notice of and conduct of elections held hereunder; to provide for a procedure for binding arbitration; to provide for the appointment of arbitrators and define said arbitrators' jurisdiction and authority; to provide that the arbitrators' decision shall be binding upon all parties; and to provide for the enforcement of such decision by the circuit court and to provide for penalties; and to provide that this Act shall be known as the "Fire Fighters' Employee-Employer Relations Act," and that the provisions thereof are supplementary to and shall be construed in *pari materia* with Act No. 229, H. 146 (Acts 1967, p. 598).

Mr. Pearson, Chairman of the Standing Committee on Conservation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Fine:

S. 628. To prohibit the use of steel traps and similar devices in trapping wildlife and to prescribe the punishment for violation.

By Mr. Perloff:

S. 660. To provide for the public offense of hunting within one-half mile of a wildfire, and prescribing misdemeanor punishment upon conviction.

Mr. Mims, Chairman of the Standing Committee on Agriculture, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Mims, Vacca, Edwards, King and Owen (With Substitute):

S. 614. To amend Sections 206, 207, 211 and 223, and all other sections of Chapter 7 of Title 22, Code of Alabama 1940, as amended, wherein the words or word "Alabama Dairy Commission" or the "Commission" appear, in order to provide for the abolishment of the Alabama Dairy Commission; to provide for the establishment and definition of the Milk Stabilization Council; to abolish wholesale and minimum retail milk price controls; to require the bidding of all milk sold for consumption in the public schools of Alabama; to continue in effect existing milk rules, regulations and orders of the predecessor Alabama Dairy Commission subject to review and action by the Milk Stabilization Council upon its appointment; and to provide for the repeal of all laws in conflict with this Act and establish the manner of the taking effect of this Act.

Mr. Mims, Chairman of the Standing Committee on Agriculture, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. McDonald (A) and Mims:

S. 634. To amend Act No. 1949, H. 894, Legislature of 1971 (Regular Session), approved September 20, 1971 (Acts of 1971, Vol. IV, p. 3151), an Act "to regulate the sale, offering for sale, distribution and transportation of pesticides by prescribing certain conditions and requirements therefor" etc., by amending Section 3 of said Act to make it unlawful for a person to use any pesticide in a manner inconsistent with its label.

By Messrs. McDonald (A) and Mims:

S. 635. To further regulate persons performing professional work or services pertaining to entomological, pathological, horticultural, floricultural and tree surgery work as defined in Chapter 7 of Title 2 of the Code of Alabama of 1940, as amended, and to regulate weed control work which requires the use and application of restricted use pesticides and other pesticides for eradication or control of insect pests, plant diseases and other pests and related activities involving use and application of restricted use and other pesticides to the end that the use and application of such pesticides will be conducted in accordance with requirements of the Federal Insecticide, Fungicide and Rodenticide Act and the Federal Environmental Protection Agency by requiring additional requirements for persons performing such services or work; to prescribe the qualifications for persons performing the aforesaid work; to prescribe the materials used and methods of application of such pesticides, the handling and disposal of these materials, identification of equipment used, records to be maintained as well as the requirements for the issuance of a permit to perform such work and other related regulatory requirements; to provide that the provisions of this Act shall be cumulative or supplemental to other regulatory laws pertaining to the use and application of pesticides, the enforcement and penal provisions and the effective date of this Act.

By Messrs. McDonald (A) and Mims:

S. 636. To regulate the use of pesticides; authorize the establishment of categories of pesticide applicators; provide for the certification by category, of persons who use or supervise the use of toxic and dangerous pesticides; prescribe the requirements for certification;

require persons engaging in custom application of pesticides to be licensed; fixing the licensing requirements, fees, record keeping requirements, and financial responsibility requirements; to empower the Commissioner of Agriculture and Industries to administer and enforce the requirements of this Act, prescribing his duties and authority, and to authorize the adoption of rules and regulations for implementation of this Act; to provide for exemptions from the requirements of this Act; to provide enforcement provisions and penalties for violation of this Act; to provide judicial review for persons aggrieved by actions resulting from the enforcement of this Act and to repeal conflicting laws including Act No. 1957, Legislature of 1971 (Regular Session), approved September 20, 1971, as amended.

Mr. Noonan, Chairman of the Standing Committee on Seaports and Inland Waterways, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Roberts, Fine, King, Goodwin, Perloff, Baker, Teague, Ellis, Stewart, Owen, McDonald (S), Bank, Higginbotham, Waldrop, Adams, Mims, Vacca and Edwards:

S. 659. To create and establish the Yacht Club Association of Alabama; to provide for its organization, powers and duties with respect to member clubs; to provide qualifications for admission of such member clubs to the state association; to provide a State Board of Commodores which shall govern the association and to prescribe their powers and duties; and to provide for the construction of an ocean racing sailing vessel to represent all of the state's yacht clubs, the people of Alabama, and the State of Alabama.

By Mr. Noonan:

S. 622. Amending Title 30, Section 40 Of the Code of Alabama, 1940, relating to the establishment of foreign trade zones so as to authorize county and municipal governing bodies and private corporations to establish and operate such zones at the harbors and seaports within the State of Alabama.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Roberts (With Amendment):

S. 612. To amend further Section 10 of Act No. 651, S. 524, Regular Session 1976, which relates to the qualifications, election, compensation and duties of the coroner of any county having a population of not less than 300,000 nor more than 600,000, according to the 1970 or any subsequent Federal decennial census.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Waldrop (With Notice and Proof):

S. 620. To authorize the board of education of Etowah County to borrow money for capital outlay purposes for the county school system and to pledge to the repayment thereof the revenues derived from the county tax on the sale of malt or brewed beverages in the county; to regulate the procedure for obtaining loans and the use of the proceeds thereof; to prescribe the time within which the loan must be repaid; and to provide for the payment of any outstanding indebtedness should the county cease, at any time in the future, to be a "wet" county.

By Messrs. McDonald (A), King and Baker:

S. 621. To amend Act No. 1024, S. 431, Regular Session 1973 (Acts 1973, p. 1561) relating to county supplemental payments to retired or supernumerary circuit judges of certain judicial circuits, so as to specifically exempt the twenty-third (23rd) judicial circuit from the provisions of the act.

By Mr. Wilson:

S. 638. To provide for a supplemental salary for the circuit judges of the Fourteenth Judicial Circuit, to be paid by the county comprising such circuit; and to fix the amount and method of payment thereof.

By Mr. Owen (with notice and proof):

S. 641. Relating to Baldwin County; providing for a more convenient and economical system of serving notices to delinquent taxpayers.

By Messrs. McDonald (A), King and Baker:

S. 619. To repeal Act No. 736, H. 1821, Regular Session 1973 (Acts 1973, p. 1096), relating to county supplemental salaries for retired or supernumerary circuit judges of the twenty-third judicial circuit.

By Mr. Bank:

S. 642. Proposing an amendment to the Constitution of Alabama relating to the abolition of the offices of Tax Assessor and Tax Collector in Pickens County and for the consolidation of the duties of said offices into a new office.

The above Bill was read a second time at length as required by the Constitution.

By Mr. Bank:

S. 645. Relating to all counties having a population of not less than 18,500 nor more than 20,500 inhabitants according to the 1970 or any subsequent federal decennial census; to provide for a certain clerk hire allowance for the Tax Assessor and Tax Collector of such counties.

By Mr. McDonald (A) (with notice and proof):

S. 692. Relating to Limestone County; granting the tax collector of such county an additional 10 days in November in which to effect the disbursement of taxes as required by Title 51, Section 223, Code of Alabama, 1940.

By Mr. Mims (with notice and proof):

S. 703. Relating to Monroe County; providing for a monthly expense allowance for county commissioners of Monroe County.

By Messrs. Brindley and Jolly:

H. 300. Amending Section 1 of Act No. 16, H. 17 of the 1975 Second Special Session (Acts 1975, Vol. I, p. 127), relating to all counties having populations of not less than 26,725 nor more than 27,250 inhabitants according to the 1970 or any subsequent federal decennial census; providing for clerical assistance of the tax assessor and tax collector in such counties, so as to provide that any cost of living increase for county employees automatically shall be applicable to them, retroactively to October 1, 1975.

By Mr. Jolly (with notice and proof):

H. 405. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Blountsville, in Blount County.

By Messrs. Kinsey and McMillan:

H. 412. Relating to county health officers or administrators in counties having populations of not less than 57,000 nor more than 61,000 inhabitants according to the 1970 or any subsequent federal decennial census, authorizing such persons to issue official death certificates; and providing penalties for violation of this Act.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Brindley and Jolly (with notice and proof) (With Amendment):

H. 628. Relating to Blount County; to authorize the county commission, within its sole discretion, to employ and set the salaries of such clerical assistants as the tax assessor, tax collector and probate judge may recommend for their respective offices.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Kinsey and McMillan:

H. 666. Relating to all counties having a population of not less than 57,000 nor more than 61,000 inhabitants according to the 1970 or any subsequent federal decennial census; providing for an additional expense allowance for the probate judge, tax assessor, tax collector, county commissioners and sheriff.

By Mr. Rich (with notice and proof):

H. 727. To alter or rearrange the boundary lines of the town of Cedar Bluff, Cherokee County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Cedar Bluff, Alabama.

By Mr. McCluskey:

H. 729. To provide for the night hunting and taking of racoons and opossums with the use of a light and/or shotgun using shot no larger than number eight, or with a 22-caliber rimfire rifle using 22-caliber-short ammunition in all counties having a population of not less than 10,660 nor more than 10,900 inhabitants according to the 1970 or any subsequent federal decennial census.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Martin, Roberts, Cross and Drake (with notice and proof)  
(With Amendment):

H. 744. To amend Section 2 of Act No. 908, H. 1692, Regular Session 1971 (Acts 1971, p. 1672), which act provides for a contingent fund for certain counties classified on a population basis, so as to provide certain traveling expenses to county officials.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. McMillan:

H. 836. To alter or rearrange the boundary lines of the City of Satsuma, Mobile County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory contiguous thereto, in Mobile County, Alabama.

By Messrs. Carter and Moore (W) (with notice and proof):

H. 849. Relating to Limestone County; giving the county governing body certain powers in regard to maintaining roads and rights-of-way leading to homes or residences on private property.

By Messrs. Carter and Moore (W) (with notice and proof):

H. 850. Relating to Limestone County; to authorize the county commission to appropriate an amount not to exceed \$3,000 in their annual budget for industrial promotion.

By Messrs. Callahan and Sandusky:

H. 433. To amend further Code of Alabama 1940, Title 38, Section 77, as amended, which relates to the pay of pilots, by revising the schedule of pilots' fees.

## RESOLUTIONS

Mr. Peden offered the following Senate Resolution, to-wit:

S. R. 291. REQUESTING THE GOVERNOR TO TRANSMIT TO THE EXAMINERS OF PUBLIC ACCOUNTS THE REPORT OF THE INSPECTOR GENERAL OF THE FIRST UNITED STATES ARMY.

WHEREAS, The 1st United States Army Inspector General issued a report alleged to be very critical of the Alabama National Guard; and

WHEREAS, State Adjutant General Charles A. Rollo resigned on Wednesday, March 9, after said report was delivered to the Governor; and

WHEREAS, The Legislative Special Interim Committee to Study Federal Grants and the Special Budget Control Subcommittee of the Alabama Legislature requested an audit by the State Department of Examiners of Public Accounts to be made in 1976, after said subcommittee received allegations of widespread misconduct; and

WHEREAS, Said audit, having been made and examined by the subcommittee, claimed widespread spending of Guard unit funds for personal items, and uncovered excessive active duty by top officers in the State Military Department and other irregularities by certain officers of the Military Department; and

WHEREAS, The Legislative Special Interim Committee to Study Federal Grants and the Budget Control Subcommittee, after evidence gathered by the Examiners of Public Accounts, called for the resignation of the Adjutant General in early 1976; and

WHEREAS, Since the Governor has stated that the U. S. District Attorney is receiving the full cooperation of the Governor's office, the Senate requests that he extend the same courtesy to the Department of Examiners of Public Accounts; now, therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, That the Governor is requested to transmit forthwith to the State Department of Examiners of Public Accounts the report submitted to his office by the Inspector General of the 1st United States Army.

BE IT FURTHER RESOLVED BY THE SENATE OF ALABAMA, That the General Accounting Office of the U. S. Government and the State Department of Examiners of Public Accounts be officially requested to perform a full scale investigation into the activities of the State Military Department of the State of Alabama and further that upon the completion of said investigation, all necessary corrective, remedial, or punitive action be taken by the proper authorities against any person in the employment of the State Military Department of the Alabama National Guard who is found to be in violation of any state or federal law.

BE IT FURTHER RESOLVED That a copy of this Resolution be delivered to the Governor of the State of Alabama, to the Chief Examiner of the State Department of Examiners of Public Accounts and to the Chief Executive Officer of the General Accounting Office of the United States Government.

Which was read and referred to the Standing Committee on Rules.

Messrs. Peden, Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop and Wilson offered the following Senate Joint Resolution, to-wit:

S. J. R. 292. COMMENDING THE UNIVERSITY OF NORTH ALABAMA BASKETBALL TEAM.



WHEREAS, the Alabama Legislature has noted that the University of North Alabama basketball team is co-champion of the Gulf South Conference and placed third in the nation in the 1977 NCAA Division II Playoffs, held March 18-19, 1977, in Springfield, Massachusetts, thereby ranking higher nationally than any other Division II team in Alabama; and

WHEREAS, the UNA Lions finished the season with a 24-7 record, the most wins and the highest finish ever for any Gulf South Conference team, a record achieved through countless hours of dedicated practice, working together, as one, with a strong sense of team spirit, with a high degree of technical skill and under the able direction of Head Coach Bill Jones and his fine assistants, Tommy Suitts and Gerald Douglass; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily congratulate and commend the University of North Alabama basketball team for a tremendously successful season and for having achieved national ranking in competition.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to President Robert M. Guillot on behalf of the University of North Alabama, to Head Coach Bill Jones, Assistant Coaches Tommy Suitts and Gerald Douglass, to the team managers and to each team member.

On motion of Mr. Peden, the Rules were suspended and the Resolution was adopted by the Senate.

#### REPORT FROM RULES

Mr. Littleton, Acting Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Tom Ventress to the State Board of Pardons and Paroles.

#### RECESS

At 11:10 A.M., on motion of Mr. Adams, the Senate took a recess until 1:30 P.M.

The recess period having expired, the Senate was called to order by Lieutenant Governor Beasley. A quorum of the Senate was present.

#### FURTHER CONSIDERATION OF GOVERNOR'S APPOINTMENT

The Senate proceeded to further consideration of the Governor's appointment of Tom Ventress to the State Board of Pardons and Paroles. The question was on the confirmation of said appointment.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 272. MOURNING THE DEATH OF JOHN LESLIE DOSS, SR.

Also:

S. J. R. 275. CONGRATULATING CAPTAIN JOHN G. HENDERSON.

Also:

S. J. R. 277. HONORING MRS. MARY JULIE ANDERSON FOR HER OUTSTANDING CONTRIBUTIONS IN CRIME PREVENTION.

Also:

S. J. R. 287. URGING PRESIDENT CARTER TO CONTINUE THE TENNESSEE-TOMBIGBEE WATERWAY DEVELOPMENT PROJECT.

Also:

S. J. R. 288. DESIGNATING APRIL 6, 1977, AS LIBRARY DAY.

Also:

S. J. R. 289. RECOGNIZING THE ACCOMPLISHMENTS AND CONTRIBUTIONS OF THE EFFICIENT AND INDISPENSABLE SECRETARIES DURING "SECRETARIES' WEEK" IN APRIL.

Also:

S. J. R. 290. MOURNING THE DEATH OF WILLIAM R. J. DUNN, JR.

JOHN W. PEMBERTON,  
Clerk.

#### FURTHER CONSIDERATION OF GOVERNOR'S APPOINTMENT

The Senate proceeded to further consideration of the Governor's appointment of Tom Ventress to the State Board of Pardons and Paroles. The question was on the confirmation of said appointment.

#### BILL RE-REFERRED

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following Bill, S. B. 509, and ordered same returned to the Senate with the recommendation that it be re-referred to another Committee.

And the President and Presiding Officer of the State ordered said Bill, S. B. 509, re-referred to the Standing Committee on Finance and Taxation.

#### FURTHER CONSIDERATION OF GOVERNOR'S APPOINTMENT

The Senate proceeded to further consideration of the Governor's appointment of Tom Ventress to the State Board of Pardons and Paroles. The question was on the confirmation of said appointment.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Biddle:

H. J. R. 373. COMMENDING AND CONGRATULATING HOWARD RUSSELL DAY ON ATTAINING THE RANK OF EAGLE SCOUT.

WHEREAS, the Legislature of Alabama has learned that Howard Russell Day of Gardendale, Alabama, has attained the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, this coveted badge was earned through countless hours of hard work and selfless service to fulfill the stringent qualifications for this prestigious badge of achievement; and

WHEREAS, Howard Russell Day of Troop 266, Gardendale, has exemplified through his years of participation in this fine organization those admirable attributes of friendliness, devotion to duty, and concern for his fellowman; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we highly commend, praise and congratulate Howard Russell Day for outstanding achievement in the Boy Scouts of America, and direct that a copy of this resolution be sent to him and to his parents, Dr. and Mrs. Jim H. Day that they may know of our high esteem.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Gilmore, the Rules were suspended and the Resolution, H. J. R. 373, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

## FURTHER CONSIDERATION OF GOVERNOR'S APPOINTMENT

The Senate proceeded to further consideration of the Governor's appointment of Tom Ventress to the State Board of Pardons and Paroles. The question was on the confirmation of said appointment.

On motion of Mr. Adams, further consideration of said appointment was postponed until the next Legislative Day.

Yeas 18; Nays 14.

Yeas:

Messrs. Adams, Bank, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Little, Littleton, Miller, Mitchell, Noonan, Owen, Perloff, Teague, Vacca, Wilson.

*Nays:*

Messrs. Baker, Clemon, Jones, King, McDonald (A), McDonald (S), McMillan, Mims, Pearson, Peden, Roberts, St. John, Shelby, Stewart.

—14

#### REPORT FROM RULES

Mr. Littleton, Acting Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

The appointment of Henry B. Gray, III, Eufaula, Alabama, as Brigadier General to serve as Deputy Commander of the 167th Support Command (Corps).

On motion of Mr. Adams, the appointment of Henry B. Gray as Brigadier General was confirmed by the Senate.

Yeas 32; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Pearson, Peden, Perloff, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—32

*Nays:*

—0

#### MESSAGE TO THE SENATE

To the Members of the Alabama State Senate  
State Capitol  
Montgomery, Alabama 36130

Gentlemen:

In response to Senate Resolution 250, I transmit to you herewith the report of Mr. Robert M. Hope, Acting Director of the Alabama State Docks Department.

Respectfully submitted,

HENRY B. STEAGALL, II,  
Executive Secretary.

#### REPORT FILED

As requested in the provisions of S. R. 250, the report of the Acting Director of the Alabama State Docks Department was read and ordered filed with the Secretary.

#### REPORT FROM RULES

Mr. Littleton, Acting Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following

Senate Resolution and ordered same returned to the Senate with a favorable report, to-wit:

**S. R. 291. REQUESTING THE GOVERNOR TO TRANSMIT TO THE EXAMINERS OF PUBLIC ACCOUNTS THE REPORT OF THE INSPECTOR GENERAL OF THE FIRST UNITED STATES ARMY.**

On motion of Mr. Peden, said Resolution was adopted by the Senate.

Mr. Peden then moved that the Senate reconsider the vote by which the Resolution, S. R. 291, was adopted, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

### RESOLUTIONS

Mr. Roberts offered the following Senate Joint Resolution, to-wit:

**S. J. R. 293. REQUESTING THE SECRETARY OF THE ARMY TO RECOMMEND TO PRESIDENT CARTER THE CONTINUATION OF THE TENNESSEE-TOMBIGBEE WATERWAY IN HIS REPORT ON OR BEFORE APRIL 15, 1977.**

WHEREAS the Administration of President Jimmy Carter has released a list of water projects including the Tennessee-Tombigbee Waterway which will be reviewed and possibly cancelled.

WHEREAS a Federal Review Committee has questioned the economic and environmental criteria of the Tennessee-Tombigbee Project.

WHEREAS the Mobile District of the U. S. Army Corps of Engineers is holding a public hearing in Columbus, Mississippi on March 29, 1977, to receive public views on the future of the project.

WHEREAS Col. Charles Blalock, District Engineer of the Mobile District Corps of Engineers has indicated that public testimony will be a major factor in the Secretary of the Army's recommendation on the Tennessee-Tombigbee Project which will be made to President Carter on or before April 15, 1977.

THEREFORE BE IT RESOLVED THAT THE ALABAMA SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, regards the 1.8 billion dollar Tennessee-Tombigbee Project as the most important public works project presently under construction and its cancellation or modification would be extremely detrimental to the economic future of Alabama as well as some 27 other states.

BE IT FURTHER RESOLVED that the Secretary of the Army include in his recommendation to President Carter on or before April 15, 1977, the unanimous support of the Alabama Senate and the Alabama House of Representatives for the completion of the Tennessee-Tombigbee Project prior to the current completion date in order to expedite the economic benefits of the project to this and other areas of the Country.

On motion of Mr. Roberts, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Roberts offered the following Senate Resolution, to-wit:

**S. R. 294. REQUESTING THE SECRETARY OF THE ARMY TO RECOMMEND TO PRESIDENT CARTER THE CONTINUATION**

OF THE TENNESSEE-TOMBIGBEE WATERWAY IN HIS REPORT  
ON OR BEFORE APRIL 15, 1977.

WHEREAS the Administration of President Jimmy Carter has released a list of water projects including the Tennessee-Tombigbee Waterway which will be reviewed and possibly cancelled.

WHEREAS a Federal Review Committee has questioned the economic and environmental criteria of the Tennessee-Tombigbee Project.

WHEREAS the Mobile District Office of the U. S. Army Corps of Engineers is holding a public hearing in Columbus, Mississippi on March 29, 1977, to receive public views on the future of the project.

WHEREAS Col. Charles Blalock, District Engineer of the Mobile District of the Corps of Engineers has indicated that public testimony will be a major factor in the Secretary of the Army's recommendation on the Tennessee-Tombigbee Project which will be made to President Carter on or before April 15, 1977.

THEREFORE BE IT RESOLVED THAT THE SENATE OF ALABAMA regards the 1.8 billion dollar Tennessee-Tombigbee Project as the most important public works project presently under construction, and its cancellation or modification would be extremely detrimental to the economic future of Alabama as well as some 27 other states.

BE IT FURTHER RESOLVED that the Secretary of the Army include in his recommendation to President Carter on or before April 15, 1977, the unanimous support of the Alabama Senate for the completion of the Tennessee-Tombigbee Project prior to the current completion date in order to expedite the economic benefits of the project to this and other areas of the Country.

On motion of Mr. Roberts, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Pearson and McMillan offered the following Senate Joint Resolution, to-wit:

S. J. R. 295. COMMENDING NORMAN F. USSERY FOR  
MERITORIOUS SERVICE.

WHEREAS, the Legislature of Alabama has noted with regret the retirement of Norman F. Ussery as associate member of the State Pardon and Parole Board; and

WHEREAS, Mr. Ussery, now of Millbrook, Alabama, was born September 28, 1914 in Dothan, Alabama, moved at an early age to Montgomery where he graduated from Sidney Lanier High School in 1933; he was a graduate of Port Arthur College in Texas, General Electric School of Electronics in Schenectady, New York and also studied additionally at the University of Alabama; and

WHEREAS, his outstanding career of service began in 1937 with the Montgomery Police Department, then as a teacher of Vocational Education at Spalding County High School, Griffin, Georgia; his association with the State of Alabama includes six years with the Alabama Department of Education, more than four years with what is now the George C. Wallace Trade School, and four years as instructor at Draper Correctional Center Trade School which he helped implement with Dr. John M. McKee; and

WHEREAS, in 1965, Mr. Ussery was appointed to the Board of Pardons and Paroles and reappointed in 1971, serving with devoted dedication to duty for almost twelve years until his retirement as associate member of the Board; and

WHEREAS, his activities further extend to include membership in Masonic Lodge #67, the Millbrook Mens Club, a number of professional organizations and an active membership in the Coosada Baptist Church; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body acknowledges with grateful appreciation the unselfish and untiring service to the State of Alabama by Norman Ussery, commends him for his many outstanding contributions to the betterment of his community and fellowmen, and wishes for him continued success in all future pursuits.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Ussery that he may know of our esteem.

On motion of Mr. Pearson, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Waldrop offered the following Senate Joint Resolution, to-wit:

S. J. R. 296. COMMENDING MORRIS NELSON, A DEDICATED KIWANIAN.

WHEREAS, the Alabama Legislature has noted that Wednesday, March 9, 1977, was "Morris Nelson Day" in Gadsden, Alabama, so designated by the Gadsden Kiwanis Club to honor Morris Nelson for 35 years of perfect attendance; and

WHEREAS, Mr. Nelson, who served as president of his local club in 1948 and who has attended 17 international conventions, planned to attend his 18th in June, also was honored with a rare life membership in Kiwanis International, the first ever received by a member of the Gadsden Club, and was presented with Distinguished Service Award; and

WHEREAS, on this momentous occasion, he received further tributes from Governor George Wallace, United States Senator Jim Allen, President Carter's press secretary, Kiwanis International president, Stanley E. Snyder, Representative Tom Bevil and many others; and

WHEREAS, Morris Nelson is undoubtedly the most widely known "Mr. Kiwanian" in Alabama, has done more than any other to uphold the standards of Kiwanis, and is greatly admired by all who are privileged to know him; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do highly praise and commend Morris Nelson of Gadsden, Alabama, for the many outstanding and singular honors bestowed upon him for service and dedication to Kiwanis.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Nelson that he may know of our esteem.

On motion of Mr. Waldrop, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Waldrop offered the following Senate Joint Resolution, to-wit:

**S. J. R. 297. MOURNING THE DEATH OF JAMES W. MCDANIEL.**

WHEREAS, the Legislature of Alabama has learned, with regret, of the death of James W. (Jimmy) McDaniel of Leesburg on March 10, 1977 in Gadsden, Alabama; and

WHEREAS, Mr. McDaniel, who was a native of Cherokee County and a veteran of World War II, had worked, before his retirement, for 41 years as a steelworker in Arlington, Virginia; he was a member of the Baptist church and, also, was a Mason and a Shriner; and

WHEREAS, Jimmy McDaniel was a man who gained the respect and fond feelings of all those who knew him, and he long will be remembered and sadly missed by his family and many friends: now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That we do greatly mourn and regret the death of James W. McDaniel and express our deep and heartfelt sympathy to his wife, Mrs. Vivian Hallmark McDaniel, and family to whom copies of this resolution shall be sent.

On motion of Mr. Waldrop, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. McDonald (A), King, and Baker offered the following Senate Joint Resolution, to-wit:

**S. J. R. 298. COMMENDING THE UNIVERSITY OF ALABAMA, HUNTSVILLE, BASKETBALL TEAM.**

WHEREAS, the Legislature of Alabama is pleased to note that the UAH Chargers are co-champions of the Southern States Conference, Champions of District 27 and, for the second year, have represented the State of Alabama in the NAIA National Tournament in Kansas City; and

WHEREAS, their successful 19-10 season record is reflective of the able leadership provided by Head Coach A. L. "Kayo" Willis and Assistant Coach Roby Phillips, who also are due high praise for the outstanding technical skills displayed by their team and for the fine team spirit of fair play and good sportsmanship which prevailed throughout the entire season; Sports Information Director Larry Eakes and Athletic Director Dennis Killips are to be praised, too, for their loyal support and encouragement; and

WHEREAS, congratulations most certainly are due Rickey Love who was named to the 2nd team All-American, and to Tony Vann and Dean Willis who received honorable mention; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That we highly commend the UAH Chargers for their tremendously successful season and for the honor of representing our state in national competition, and direct that copies of this resolution be sent to each coach and to each member of the team.

On motion of Mr. McDonald (A), the Rules were suspended and the Resolution was adopted by the Senate.



Messrs. McDonald (A), King, and Baker offered the following Senate Joint Resolution, to-wit:

**S. J. R. 299. COMMENDING THE UNIVERSITY OF ALABAMA, HUNTSVILLE, WIND ENSEMBLE.**

WHEREAS, the Alabama Legislature is pleased to note that the University of Alabama, Huntsville, Wind Ensemble, has been invited to represent the State of Alabama by performing for the Southern Divisional Convention of the prestigious Music Educators National Conference in Atlanta, Georgia, April 28-29, 1977, before an impressive audience of 2,000 music educators from nine states; and

WHEREAS, "The UAH Wind Ensemble" is a 17-member volunteer group composed of students and musicians from the Huntsville area who devote countless, untold hours in dedicated practice and preparation, performing for the pleasure of giving pleasure to others; it was founded by Dr. George Cavanagh who also conducts this remarkable and talented group of musicians; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we highly commend and praise "The UAH Wind Ensemble" for the singular honor of representing the State of Alabama before such a distinguished assemblage, and direct that copies of this resolution be sent to Dr. Cavanagh and to each member of the ensemble.

On motion of Mr. McDonald (A), the Rules were suspended and the Resolution was adopted by the Senate.

**UNFINISHED BUSINESS**

**BILLS ON THIRD READING**

The Senate proceeded to consideration of the Unfinished Business for today, the first item of which was the Bill:

S. 458. To further regulate public utilities and protect the public welfare; to create the Committee on Public Utilities; to prescribe the powers, duties, and responsibilities of the members and their compensation therefor; to require certain functions of the department of examiners of public accounts; to make appropriations from certain fees paid to the Public Service Commission and, as necessary, from the general fund of the state treasury.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, S. B. 458, to-wit:

**SUBSTITUTE FOR S. B. 458**

**A BILL  
TO BE ENTITLED  
AN ACT**

To further regulate public utilities and protect the public welfare; to create the Committee on Public Utilities; to prescribe the powers, duties, and responsibilities of the members and their compensation therefor; to require certain functions of the department of examiners of public accounts; to make appropriations from certain fees paid to the Public Service Commission and, as necessary, from the general fund of the state treasury.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby established the Committee on Public Utilities. Such committee shall be composed of the Lieutenant Governor, the Speaker of the House of Representatives, the President of the Alabama Public Service Commission, the Executive Secretary to the Governor and the Chief Examiner of the department of examiners of public accounts. The chief examiner of the department of examiners of public accounts shall be the chairman. The committee shall adopt its own rules of procedure for the conduct and transaction of business. The committee shall serve without compensation but shall receive actual and necessary expenses incurred in the performance of their official committee duties.

Section 2. The Committee on Public Utilities is hereby empowered and directed to cause to be performed a full and complete financial audit and management study of the Alabama Power Company and Southern Company Services, Inc., within the guidelines set forth in this act.

Section 3. The audit and study shall be performed by a competent audit firm with a recognized national reputation in the field of financial audits and management studies and shall be completed within a period of six months commencing on a date within sixty (60) days after the passage of this act.

Section 4. The audit firm shall be selected by the committee within thirty (30) days after the passage of this act, and the chairman is authorized to enter into a contract of employment with the audit firm so selected on behalf of the State of Alabama. The committee shall meet whenever necessary and shall perform control and supervision over the audit firm to assure strict compliance with the contract of employment. The committee shall specify the exact duties and responsibilities of the audit firm and the scope of the audit and study to be performed. The committee shall serve in an oversight capacity during the audit period; provided, however, it shall not be involved in the actual audit or study except as in the capacity herein defined. The department of examiners of public accounts shall provide two full-time examiners who shall be assigned to the audit team to assure compliance with the legislative intent of this act and the objectives of the committee.

Section 5. The audit firm shall perform a full and complete financial audit and management study on the Alabama Power Company and the Southern Company Services, Inc. and shall report their findings and recommendations to the committee within the time limit prescribed in Section 3 above. The Governor, Public Service Commission, and the legislature shall also receive the firm's report and shall be fully briefed as to the findings and recommendations contained therein.

Section 6. The goal of the audit and study authorized herein is to develop a thorough understanding of the Alabama Power Company and its operations and to assist in providing the consuming public with adequate supplies of electrical energy and power at the lowest possible rates and further, to insure that state government properly regulates public utility companies for the public welfare.

Section 7. There is hereby appropriated, to the Committee on Public Utilities, from the fees generated and paid into the Public Service Commission such sums sufficient to implement the provisions of this act; provided, however; if such fees are deficient in covering the necessary

costs then such sums as are necessary to make up the deficiency are hereby appropriated from the general fund of the state treasury. The funds appropriated herein shall be used for the sole purpose of employing the audit firm and for expenses legally incurred by the committee in the performance of its official duties.

Section 8. The committee shall stand discharged and be dissolved at the end of ninety (90) days after its report is submitted to the Governor, the Public Service Commission and the legislature.

Section 9. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. All laws or parts of laws which conflict with this act are hereby repealed.

Section 11. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Mr. Stewart offered the following amendment to the substitute for the Bill, S. B. 458, to-wit:

#### AMENDMENT TO SUBSTITUTE FOR S. B. 458

Amend substitute for Senate Bill 458 on Page 2 by inserting at the end of Section 3 the following:

“Provided, however, the Committee established herein shall not hire any accounting firm which was performed any services within the past five years for the Alabama Power Company, The Southern Company or any of the subsidiaries of the two named companies.”

Which was adopted.

Mr. Baker offered the following amendment to the substitute, as amended, for the Bill, S. B. 458, to-wit:

#### AMENDMENT TO SUBSTITUTE, AS AMENDED S. B. 458

Amend substitute for S. B. 458, Page 1, Section 1, Line 6, by deleting the sentence beginning with “Such” and ending with “accounts.” and inserting in lieu thereof the following new sentence:

“Such committee shall be composed of the Chairman of the Commerce, Transportation and Public Utilities Committee of the Senate, Chairman of the Commerce and Transportation Committee of the House of Representatives, the Legislative Fiscal Officer, the State Auditor, and the Chief Examiner of the Department of Examiners of Public Accounts, who shall serve as chairman of the committee.

Which was adopted.

And said substitute, as thus amended, for the Bill, S. B. 458, was then adopted by the Senate.

Yeas 27; Nays 1.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Higginbotham, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Owen, Pearson, Peden, Perloff, Roberts, St. John, Teague, Vacca, Waldrop.

—27

*Nay:* Mr. Stewart.

—1

And said Bill, S. B. 458, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

*Yeas* 27; *Nays* 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop.

—27

*Nays:*

—0

Mr. Owen moved that the Senate reconsider the vote by which the Bill, S. B. 458, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

## UNFINISHED BUSINESS

### BILLS ON THIRD READING RESUMED

The Senate then proceeded to consideration of the second item of Unfinished Business for today, which was the Bill:

S. 62. To authorize and provide for the issuance of revenue bonds for the purpose of providing for the construction, reconstruction, improvement, alteration, enlargement and equipment of public office building facilities and of annexes, additions and enlargements of such buildings and for the acquisition of sites therefor; to authorize and provide for the establishment of a public corporation, to be known as the Alabama Capitol Building Authority, to issue such bonds; to provide that a part of the proceeds of such bonds shall be used by the authority established hereunder for the purpose of providing such public office building or buildings for the legislative branch of the government of the State of Alabama, that a part of such proceeds shall be used by the Alabama Building Authority for the purpose of constructing, altering and improving the public office building facilities heretofore constructed by such authority or for constructing and equipping of annexes, additions or enlargements of such building, and the remainder of the proceeds of such bonds shall be used by the Alabama Building Finance Authority for the purpose of constructing, altering and improving public office building facilities heretofore constructed by such authority or for constructing and equipping of annexes or additions to such buildings; to authorize the issuance of refunding bonds; to provide for the investment of the proceeds from the sale of such bonds; to provide that all properties procured,

constructed or improved or enlarged with the proceeds of any bonds hereby authorized and the income therefrom and all bonds issued pursuant to this act and the income therefrom and all leases made and all lien notices filed relative to buildings or additions constructed, altered, improved or equipped pursuant to this act, shall be exempt from all taxation in the State of Alabama; to provide that such bonds shall constitute negotiable instruments; to provide that such bonds shall be payable solely out of revenues of the several authorities, respectively, and shall not create an obligation or debt of the state; to provide that any bonds issued pursuant to this act may be used as security for deposits and investment of public funds and fiduciary funds; to specify the application of the proceeds of the bonds issued pursuant to this act; to provide for the construction of public office building facilities, the alteration, construction of annexes or additions to, and improvement of public office building facilities and for the equipment of such facilities or additions thereto by the several authorities above listed; to authorize the conveyance to each of said authorities of lands owned by the State; to create a reserve fund for the benefit of the bonds issued pursuant to this act; to authorize the authority established hereunder to pledge such revenues from any facilities constructed under authority of this act as may be necessary to pay the principal of and interest on its bonds; to authorize the filing for record of an instrument reciting the issuance of said bonds and the creation of said pledge as a lien on said revenues which filing will constitute constructive notice; to provide that the state treasurer shall be the custodian of the funds of the authority; to provide for the lease to and by agencies, boards, commissions, public corporations, bureaus and departments of the State of Alabama and of the United States, and private parties of space for occupancy in said facilities or additions thereto; and to authorize publication of notice of each resolution authorizing any bonds or pledge and to specify a limitation of time thereafter for actions or defenses respecting said bonds or pledge.

as amended.

The question was on the amendment offered by Mr. Little, which said amendment is set out in the Journal of the Senate for the Thirteenth Legislative Day.

On motion of Mr. Baker, consideration of said Bill, S. B. 62, and pending amendment, was postponed until the next Legislative Day as Unfinished Business.

## RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 300. RESOLVED by the Senate that the following resolutions and bills shall be the paramount and continuing order of business immediately upon reaching bills on third reading for the 14th Legislative Day only:

Bill No.	Page No.	Description
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S. B. 426		University of South Alabama
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On motion of Mr. Littleton, said Resolution was adopted by the Senate.

REPORT OF  
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 246. MOURNING THE DEATH OF JOSEPH THOMAS PRIESTER, SR.

Also:

S. J. R. 260. MOURNING THE DEATH OF WAYNE M. LOWE.

Also:

S. J. R. 261. MOURNING THE DEATH OF MELVIN CAMP KILPATRICK.

Also:

S. J. R. 262. MOURNING THE DEATH OF ERVIN A. PHILLIPS.

Also:

S. J. R. 263. HONORING MACK GARRETT FOR OUTSTANDING SERVICE IN THE FIELD OF LAW ENFORCEMENT.

Also:

S. J. R. 264. Commending Joseph Faulkner, Community Service Award Recipient.

Also:

S. J. R. 265. COMMENDING THE WESTMINSTER CHRISTIAN HIGH SCHOOL BASKETBALL TEAM FOR THEIR CHAMPIONSHIP VICTORY.

Also:

S. J. R. 268. CONGRATULATING AND COMMENDING THE ANDALUSIA HIGH SCHOOL FOOTBALL TEAM.

Also:

S. J. R. 270. COMMENDING JEREMY MILLS FOR HEROISM.

OBIE J. LITTLETON,  
Acting Chairman.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

REPORT OF  
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 272. MOURNING THE DEATH OF JOHN LESLIE DOSS, SR.

Also:

S. J. R. 275. CONGRATULATING CAPTAIN JOHN G. HENDERSON.

Also:

S. J. R. 277. HONORING MRS. MARY JULIE ANDERSON FOR HER OUTSTANDING CONTRIBUTIONS IN CRIME PREVENTION.

Also:

S. J. R. 287. URGING PRESIDENT CARTER TO CONTINUE THE TENNESSEE-TOMBIGBEE WATERWAY DEVELOPMENT PROJECT.

Also:

S. J. R. 288. DESIGNATING APRIL 6, 1977, AS LIBRARY DAY.

Also:

S. J. R. 289. RECOGNIZING THE ACCOMPLISHMENTS AND CONTRIBUTIONS OF THE EFFICIENT AND INDISPENSABLE SECRETARIES DURING "SECRETARIES' WEEK" IN APRIL.

Also:

S. J. R. 290. MOURNING THE DEATH OF WILLIAM R. J. DUNN, JR.

OBIE J. LITTLETON,  
Acting Chairman.

## SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

## BILLS ON THIRD READING RESUMED

The Bill:

S. 426. To make an appropriation for capital outlay purposes at the

University of South Alabama at Mobile for the fiscal year ending September 30, 1977.

was taken up.

Mr. King offered the following substitute for the Bill, S. B. 426, to-wit:

#### SUBSTITUTE FOR SENATE BILL 426

##### A BILL TO BE ENTITLED AN ACT

To make appropriations for capital outlay purposes at the University of South Alabama at Mobile and The University of Alabama in Huntsville, Huntsville, Alabama, for the fiscal year ending September 30, 1977.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other appropriations heretofore made to the University of South Alabama in Mobile, there is hereby appropriated from the Alabama Special Education Trust Fund \$5,500,000.00 for the purchase of lands adjacent to the medical facility and for improvements thereto for the fiscal year ending September 30, 1977.

Section 2. In addition to all other appropriations heretofore made to The University of Alabama in Huntsville, Huntsville, Alabama, there is hereby appropriated from the Alabama Special Education Trust Fund \$1,500,000.00 for the purchase of lands near the medical facility and for improvements thereto for the fiscal year ending September 30, 1977.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

On motion of Mr. Perloff, said substitute was laid on the table.

Yeas 24; Nays 7.

*Yeas:*

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Little, Littleton, McDonald (S), McMillan, Miller, Mims, Noonan, Owen, Peden, Perloff, Roberts, St. John, Stewart, Teague, Vacca, Wilson.

—24

*Nays:*

Messrs. Baker, Higginbotham, Jones, King, McDonald (A), Mitchell, Shelby.

—7

Mr. Baker offered the following amendment to the Bill, S. B. 426, to-wit:

#### AMENDMENT TO S. B. 426

Amend Senate Bill No. 426 Page 1 Line 27, by inserting after the present Section 1 a new section as follows:



Section 2. There is further appropriated to Alabama A & M University the amount of \$200,000.00 for capital outlay. Said appropriation to come from the special education trust fund in fiscal year ending September 30, 1977.

and by renumbering all subsequent sections accordingly.

On motion of Mr. Perloff, said amendment was laid on the table.

Yeas 20; Nays 6.

*Yeas:*

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Fine, Goodwin, Little, Littleton, Mims, Noonan, Owen, Pearson, Peden, Perloff, Roberts, St. John, Stewart, Teague, Wilson.

—20

*Nays:*

Messrs. Baker, Higginbotham, King, McDonald (A), Mitchell, Shelby.

—6

Mr. Baker then offered the following amendment to the Bill, S. B. 426, to-wit:

#### AMENDMENT TO S. B. 426

Amend Senate Bill No. 426 Page 1 Line 27, by inserting present §1 a new § as follows:

Section 2. There is further appropriated to Alabama A & M University the amount of \$300,000.00 for capital outlay. Said appropriation to come from the special education trust fund in fiscal year ending September 30, 1977.

and by renumbering all subsequent sections accordingly.

and by amending lines 10 and 19 by adding after the word "Mobile" the following "and Alabama A & M University"

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 161. To regulate the expense allowances in the Twenty-Fifth Judicial Circuit for circuit judges and the district attorney; and to make the provisions of this Act retroactive to January 16, 1977.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Cooper:

H. 60. To make a certain appropriation from the general fund of the state treasury to cover expenses that will be incurred by State Representative Gary Cooper while attending the annual conference of the Southern Growth Policies Board.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 60. To the Committee on Finance and Taxation.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Smith (B), Lee, McCorquodale and Robertson:

H. 72. To make child abuse a criminal offense in Alabama; to define the offense of child abuse; and to prescribe the penalty to be imposed on any person found guilty of such offense.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 72. To the Committee on Judiciary.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Sonnier:

H. 596. To make an appropriation from the earnings of the Alabama State Docks in Mobile for the relief of Aubry Price of Mobile.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 596. To the Committee on Finance and Taxation.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Rich, Robertson, Merrill, Pegues, Morris, Sasser, Smith (M), Cooper, Roberts, Killian and Brindley:

H. 347. To further amend Code of Alabama 1940, Title 48, Section 52, as amended by Act No. 97 of the 1971 Special Session of the Legislature of Alabama approved May 11, 1971 (1971 General Acts, V. 1, pages 171-172) so as to define the reasonable value of a public utility's property to be used as a rate base in fixing utility rates; to eliminate therefrom the amount of new investment to be added in the year immediately following the test period used in arriving at the value of such utility's property; to provide that determination of the rate base shall be calculated on the basis of average values of the property components of the rate base during the most recent 12 month period available; to exclude from the rate base, or in the alternative to require a zero return, on any part thereof arising from or provided by funds available to the utility without cost to it, unless effectively required to be allowed by an act of Congress; to exclude from the rate base any lands acquired after the effective date of this Act by any utility for a use which will require a certificate of convenience and necessity until and unless such certificate of convenience and necessity is issued by the Alabama Public Service Commission; to repeal conflicting laws and to fix the effective date of this Act.

Also:

By Mr. Drake:

H. 358. To provide the procedure and conditions under which any utility or telephone company regulated by the Alabama Public Service Commission may increase or decrease any customer's billing for intrastate utility or telephone service by reason of the application of any fuel or tax rate, clause or rider on and after the effective date of this Act.

Also:

By Mr. Drake:

H. 359. To require refunds or repayment to customers by the affected utility or telephone company of any utility or telephone rates or charges judicially held to be excessive.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 347, 358, and 359. To the Committee on Commerce, Transportation, and Utilities.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Biddle, Smith (B), Moore (O), White, Hopping, Gafford and Smith (C):

H. 381. To place certain restrictions on the charging of late fees by utility companies.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 381. To the Committee on Commerce, Transportation, and Utilities.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Carothers, Smith (J) and Crawford:

H. 927. Relating to all counties having populations of not less than 56,500 nor more than 59,000 inhabitants according to the 1970 or any subsequent federal decennial census; increasing the assessment rate of taxation on Class I property in such counties, which includes all property of utilities used in the business of such utilities.

Also:

By Messrs. Carothers, Crawford and Smith (J):

H. 928. Proposing an amendment to further amend Article XI, Section 217, subsection (b), of the Constitution of Alabama 1901 relative to ad valorem taxation; providing for the decrease of the assessment rate of taxation on Class III property, all agricultural, forest and residential property in Houston County.

Also:

By Messrs. White, McNair, Hopping, Hilliard, Harrison, Gafford, Falkenburg, Tucker, Moore (O), Waggoner, Howard and Andrews:

H. 501. Relating to counties having populations of not less than 600,000 inhabitants; to authorize and provide for additional funds, if required, from the general funds of the county and each municipality located therein for the maintenance and operation of the County Department of Health, including, but not limited to, the employment of personnel, the acquisition of land, the erection, construction, extension, renewal, and repair of buildings or improvements thereon, which are related to or required by the prescribed duties of the County Health Officer; to repeal all conflicting statutes.

Also:

By Messrs. White, McNair, Hopping, Hilliard, Harrison, Porter, Gafford, Falkenburg, Tucker, Waggoner and Howard:

H. 502. Relating to counties having populations of not less than 600,000 inhabitants according to the most recent federal census; to provide for funding for transit authorities in such counties by the county and certain municipalities in such counties; to repeal all conflicting statutes.

Also:

By Mr. Andrews (with notice and proof):

H. 443. To further amend Section 2 of Act No. 217 of the 1966 Special Session of the Legislature of Alabama, approved August 30, 1966 (Acts of Alabama, 1966 Special Session, page 280, et seq.) entitled "An Act to provide a separate retirement and relief system for certain of the presently active employees of the City of Birmingham who entered the service of the fire department of said city prior to September 19, 1939, and to whom is applicable the pension and relief system provided by Act No. 307 of the 1943 Regular Session of the Legislature of Alabama, as amended, and Act Number 22 of the Second Special Session of the Legislature of Alabama of 1956, to include in said separate system dependents of said presently active employees; and to render said Act No. 307 and Act Number 22 inapplicable to said certain presently active employees and their dependents".

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 443, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Messrs. Sasser and Williams:

H. 785. To provide for the night hunting and taking of racoons and opossums with the use of a light and/or shotgun using shot no larger than number eight, or with a 22-caliber rimfire rifle using 22-caliber-short ammunition in all counties having a population of not less than 52,500 nor more than 54,000 inhabitants according to the 1970 or any subsequent federal decennial census.

Also:

By Messrs. Kinsey and McMillan (with notice and proof):

H. 852. Relating to Baldwin County, to provide for the creation, incorporation, organization, operation, administration, and financing of one or more local public service districts within the county as public corporations so as to provide local fire fighting and prevention services; to provide for the fixing, levy and collection by such fire districts of rates, fees and charges for such services; to provide penalties for non-payment and liens upon the property within such districts; to provide for the borrowing of money and issuance of bonds and other obligations by or on behalf of such fire districts; providing that the qualified electors of any prospective fire district shall give their prior approval to the creation of any such district as well as the rates, fees, charges, bond or other

indebtedness thereto in an election thereon; to provide an election procedure for such voter approval; to prescribe the organization, rights, powers and duties of such districts; to prescribe limitations on such rights and powers, and to repeal conflicting laws.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 852, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Messrs. Kinsey and McMillan:

H. 853. To propose an amendment to the Constitution of Alabama which, if approved by the electors of this state, would authorize the Legislature, by general or local law, to provide for the creation, incorporation, organization, operation, administration and financing of one or more local districts within Baldwin County as public corporations to provide fire fighting and prevention services; to provide for the fixing, levy and collection by such fire districts of rates, fees and charges for such services, penalties for non-payment and liens upon the property within such district; to provide for the borrowing of money and the issuance of bonds and other obligations by or on behalf of such districts; providing also that the qualified electors of any prospective fire district created by any law authorized by this proposed amendment shall give their prior approval to the creation of any such district or additions thereto and the rates, fees, charges, bond issue or other financing agreements thereto in an election thereon.

Also:

By Messrs. Merrill, Holmes (D), Quarles and Shelton:

H. 930. Relating to all counties having a population of not less than 95,000 nor more than 115,000 according to the 1970 or any subsequent federal decennial census; to reimburse the office of license commissioner for any monetary loss resulting from the performance of official duties for errors or mistakes made in good faith, not to exceed a maximum of twenty-five hundred dollars per annum.

Also:

By Messrs. Roberts, Martin, Cross and Drake:

H. 894. Providing for a Board of Equalization and Adjustment of each county having a population of not less than 75,000, nor more than 90,000 according to the last or any subsequent federal decennial census, providing for abolishing the existing County Board of Equalization and transferring its duties to the Board of Equalization and Adjustment, further regulating the appointment and removal of the members of the Board, the terms of service, the compensation, the expense allowance of the members of the Board; making further provision in regard to office space, office fixtures and supplies of the Board, and providing for the employment of clerks and other employees of the Board; providing for the severability of the provisions of the Act and for its effective date.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 927 and 928. To the Committee on Finance and Taxation.

H. B.'s 501, 502, and 443. To the Committee on Local Legislation No. 2.

H. B.'s 785, 852, 853, 930, and 894. To the Committee on Local Legislation No. 1.

(The above numbered Bills, H. B.'s 928 and 853, were read at length as required by the Constitution.)

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Crowe and Sparks:

H. 403. Relating to any county having a population of not less than 16,600 nor more than 16,950 according to the 1970 or any subsequent federal decennial census; providing an expense allowance for the sheriff in any such county.

Also:

By Messrs. Sparks and Crowe:

H. 685. Relating to counties with populations of not less than 16,600 nor more than 16,950, authorizing and directing the State Highway Department to maintain all county roads which serve as rural mail or school bus routes.

Also:

By Mr. Dial:

H. 866. To provide for payment to Cleburne County of a sum equal to the increase in state ad valorem tax revenues from Cleburne County because of the use for ad valorem tax purposes of the recent reappraised values of property in such county because the use of such reappraised values in Cleburne County before they were used for ad valorem tax purposes in any other county amounted to an unequal application of Alabama's tax laws; and to prescribe the county funds into which distributions of this payment shall be made.

Also:

By Messrs. Drake and Sparks:

H. 770. To authorize and provide for maintenance by the State Highway Department of all roads and drives whether located on state-owned rights of way or not, which serve cemeteries, churches, mail routes, bus routes, or occupied residences in any county having a population of not less than 50,000 nor more than 52,500, according to the 1970 or any subsequent federal decennial census.

Also:

By Messrs. Whatley and Turnham:

H. 779. Relating to counties having a population of not less than 60,000 nor more than 65,000 inhabitants according to the 1970 or any subsequent federal decennial census; regulating the compensation of members of the county board of education.

Also:

By Messrs. Carothers, Crawford and Smith (J):

H. 783. To provide that all real estate shall be assessed for ad valorem tax purposes according to its value in actual use and not according to any speculative or potential use in all counties having populations of not less than 56,500 nor more than 59,000 inhabitants according to the 1970 or any subsequent federal decennial census.

Also:

By Messrs. Manley and Pegues (with notice and proof):

H. 793. To repeal Act No. 137, H. 563, 1971 Regular Session (Acts of 1971, p. 415), as amended; to require the county superintendent of education of Marengo County to be the recipient of a master's degree in school administration; to authorize and empower the Marengo County Board of Education to employ a county superintendent of education for a term of up to four years and to set the salary, expense allowance, required standards and other qualifications for the position.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 793, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Messrs. Ford, Rich and Taylor:

H. 830. Relating to all counties having a population of not less than 90,000 nor more than 100,000 according to the 1970 or any subsequent federal decennial census; to further amend Section 4 of Act No. 809, H. 1274, 1965 Regular Session (Acts of 1965, p. 1511), as amended, relating to the administrative consultant to the circuit clerk so as to increase the annual salary of the person holding office as an administrative consultant to the circuit clerk of such counties.

Also:

By Mr. Manley:

H. 838. To amend Section 10 of Act No. 1006, H. 1912 of the 1975 Regular Session of the Legislature (Acts 1975, Vol. III, p. 2033) pertaining to additional unlawful acts in counties having populations of not less than 23,800 nor more than 23,925 according to the most recent federal decennial census, in regard to the sale of table wine, so as to make the unlawful acts in said counties conform to the general law of Alabama governing the sale of alcoholic beverages.



Also:

By Messrs. Starkey, Killian and Lutz (with notice and proof):

H. 891. Proposing an amendment to the constitution of Alabama relating to placing the probate judge, the tax assessor, and tax collector of Jackson County on a salary basis of compensation.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 891, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Messrs. Starkey, Killian and Lutz (with notice and proof):

H. 892. To change the method of compensating the probate judge, the tax assessor and the tax collector of Jackson County, placing said officials on a salary basis; to provide that the fees, commissions and allowances provided such officials under the general law shall be paid into the county treasury.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 892, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 403, 779, 793, 830, 838, 891, and 892. To the Committee on Local Legislation No. 1.

H. B.'s 685, 866, 770, and 783. To the Committee on Finance and Taxation.

(The above numbered Bill, H. B. 891, was read at length as required by the Constitution.)

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Moore (O), Waggoner and Smith (C):

H. 912. To further amend the Title and Section 1 of Act No. 1740, H. 2581, Regular Session 1971 (Acts 1971, p. 2906), as amended, relating to expense allowances for certain officials in counties having a population of not less than 36,500 nor more than 39,200, so as to change the words "judges of county inferior courts" to the word "magistrate"; to make such allowances mandatory; and to give this act retroactive effect.

Also:

By Messrs. Sparks and Crowe (with notice and proof):

H. 539. Relating to Winston County; providing for a county supplement for the district judge, and making the supplement retroactive to January 16, 1977.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 539, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Messrs. Crowe and Sparks (with notice and proof):

H. 540. Relating to Winston County; providing that the district judge in such county may employ a secretary and establishing her salary; providing that such salary shall be paid from the county funds and shall be retroactive to January 16, 1977.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 540, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Mr. McCluskey:

H. 944. To provide further for the selection of textbooks and instructional materials for use in the public schools in any county having a population of not less than 10,660 nor more than 10,900 according to the 1970 or any subsequent federal decennial census.

Also:

By Mr. McCluskey:

H. 946. Relating to counties having populations of not less than 10,660 nor more than 10,900, according to the 1970 or any subsequent federal decennial census; allowing the county governing bodies of such counties to prepare certain building sites and to build and maintain access roads provided any such access road joins a county or state road or highway.

Also:

By Mr. Folmar:

H. 972. Relating to the office of supernumerary sheriff in any county having a population of not less than 24,900 nor more than 25,150 according to the 1970 or any subsequent federal decennial census; repealing Act No. 184, S. 89, 1975 Third Special Session (Acts of 1975, p. 457).

Also:

By Mr. Folmar:

H. 973. Relating to the office of supernumerary county commissioner in any county having a population of not less than 24,900 nor

more than 25,150 according to the 1970 or any subsequent federal decennial census, to repeal Act No. 443, S. 529, 1973 Regular Session (Acts of 1973, p. 634); Act No. 451, S. 659, 1973 Regular Session (Acts of 1973, p. 638); Act No. 30, H. 13, 1975 First Special Session (Acts of 1975, p. 80) and Act No. 375, H. 972, 1975 Regular Session (Acts of 1975, p. 925).

Also:

By Mr. Holley (with notice and proof):

H. 977. To regulate further the payment of expense allowances to the members of the Coffee County Commission; and to give this act retroactive effect.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 977, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Mr. Folmar (with notice and proof):

H. 985. To alter, rearrange and extend the boundary lines and corporate limits of the City of Troy, in the County of Pike and State of Alabama; providing for the repeal of all laws or parts of laws in conflict herewith; and prescribing the time when this act shall become effective.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 985, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Messrs. Crowe and Sparks:

H. 938. Relating to any county having a population of not less than 16,600 nor more than 16,950 according to the 1970 or any subsequent federal decennial census; providing an expense allowance for the sheriff in any such county.

Also:

By Mr. Holley (with notice and proof):

H. 976. Relating to Coffee County; to further implement Section 9 of Act No. 160, 1971, and provide the Coffee County Commission the authority to employ or contract appraisers, mappers, and clerical personnel to maintain current evaluation of all real property and valuation of personal property.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 976, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Mr. Biddle:

H. 3. To prohibit the abuse, neglect or exploitation of aged or disabled adults; to provide protective services for such persons; to require

mandatory reporting by physicians and others of abuse, neglect or exploitation of such persons; to exempt persons reporting such abuse, neglect or exploitation from civil or criminal liability in connection with such reporting; to prescribe penalties for the abuse, neglect or exploitation of aged or disabled adults; and to provide penalties for failure of physicians and other practitioners of the healing arts to report such abuse, neglect or exploitation.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 912, 539, 540, 944, 946, 972, 973, 977, 985, 938, and 976. To the Committee on Local Legislation No. 1.

H. B. 3. To the Committee on Health and Welfare.

### FURTHER CONSIDERATION OF S. B. 426

The Senate proceeded to further consideration of the Bill, S. B. 426. The question was on the amendment offered by Mr. Baker.

### MOTION TO ADJOURN LOST

At 3:35 P.M., Mr. McDonald (A) moved that the Senate adjourn until Tuesday, March 29, 1977, at 2 o'clock P.M., which motion was lost.

Yeas 9; Nays 15.

*Yeas:*

Messrs. Baker, Fine, Goodwin, Higginbotham, Little, Littleton, McDonald (A), McDonald (S), Teague.

—9

*Nays:*

Messrs. Adams, Edwards, Ellis, Gilmore, McMillan, Mims, Noonan, Owen, Pearson, Peden, Perloff, Roberts, Shelby, Stewart, Vacca.

—15

### FURTHER CONSIDERATION OF S. B. 426

The Senate proceeded to further consideration of the Bill, S. B. 426. The question was on the amendment offered by Mr. Baker.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 373. COMMENDING AND CONGRATULATING HOWARD RUSSELL DAY ON ATTAINING THE RANK OF EAGLE SCOUT.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

### FURTHER CONSIDERATION OF S. B. 426

The Senate proceeded to further consideration of the Bill, S. B. 426. The question was on the amendment offered by Mr. Baker.

### ADJOURNMENT

At 5 o'clock P.M., Mr. Roberts moved that the Senate adjourn until Tuesday, March 29, 1977, at 1 o'clock P.M.

Mr. Shelby offered a substitute motion that the Senate adjourn until 12 o'clock, which motion was adopted, and at 5:02 P.M., pending further consideration of the Bills, S. B.'s 426 and 62, the Senate adjourned until Tuesday, March 29, 1977, at 12 o'clock Noon.

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## FIFTEENTH LEGISLATIVE DAY

TUESDAY, MARCH 29, 1977

The Senate met pursuant to adjournment, President Pro Tempore Fine presiding.

### PRAYER

The Session was opened with prayer by the Reverend Mark Waldo, Rector, Church of the Ascension, Montgomery, Alabama.

### ROLL CALL

Present:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

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### JOURNAL

On motion of Mr. Higginbotham, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Fourteenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

OBIE J. LITTLETON,  
Acting Chairman.

COMMITTEE REPORT

On motion of Mr. Littleton, the foregoing report was concurred in and the Journal of the Senate for the Fourteenth Legislative Day was approved by the Senate.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Messrs. Peden, Perloff and Clemon:

S. 735. To make an appropriation for capital outlay purposes at the University of North Alabama at Florence for the fiscal year ending September 30, 1977.

Committee on Finance and Taxation.

By Mr. St. John (with notice and proof):

S. 736. Relating to Cullman County; providing for and regulating county purchasing and the custody and use of certain county property; divesting the highway department of certain county functions and duties in relation to roads and bridges in such county, heretofore transferred to it, and revesting such functions in the Cullman County governing body; providing for the construction, maintenance and repair of county roads on the unit basis; providing for the transfer of certain funds, equipment, material and personnel from the state highway department to the county governing body; providing for the payment of salaries of certain county employees; providing that this act shall become effective only upon approval at a referendum election.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 736, as required in the General Acts of Alabama, 1975 Act No. 919.

MCDOWELL LEE,  
Secretary.

By Mr. Goodwin (with notice and proof):

S. 737. Relating to the city school board of Selma; providing for the appointment and terms of the members of such board.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 737, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Bank (with notice and proof):

S. 738. Relating to Pickens County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner, and repealing conflicting laws.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 738, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Ellis:

S. 739. To authorize certain counties to adopt by reference the provisions of building, plumbing, gas, mechanical, electrical, housing, fire prevention, safety, and other codes prepared by model code organizations and technical trade associations, with exceptions; to provide for the administration of such standards and penalties for violations thereof; to authorize the collection of certain fees; and to define the areas where such county codes will be applicable.

Committee on State Government.

By Mr. Owen:

S. 740. To allow prospective jurors in capital cases to be excused without the presence of the defendant in the twenty-eighth judicial circuit of Alabama.

Committee on Local Legislation No. 1.

By Mr. Powell:

S. 741. To propose an amendment to the Constitution of Alabama providing for home rule for Montgomery County or any municipality within Montgomery County.

Committee on Local Legislation No. 1.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Powell:

S. 742. To propose an amendment to the Constitution of Alabama providing for home rule for Elmore County or any municipality within Elmore County.

Committee on Local Legislation No. 1.

The above Bill was read a first time at length as required by the Constitution.

By Messrs. McDonald (A), Stewart and McDonald (S):

S. 743. To amend Section 16-120, Act No. 1205, S. 400, 1975 Regular Session (Acts 1975, p. 2384), the judicial implementation act of 1975, so as to provide further for court fees for violations concerning fishing without a license or for fishing with an invalid license.

Committee on Conservation.

By Mr. Shelby:

S. 744. To validate contracts executed or delivered on Sunday by repealing Section 21 of Title 9, Alabama Code of 1940.

Committee on Judiciary.

By Mr. Shelby:

S. 745. To amend Section 262, of Title 51, Alabama Code of 1940, relating to the sale of land for ad valorem taxes to make further provision for the recording and indexing of tax sales and deeds given in confirmation thereof and to provide for the duties of the judge of probate and the tax collector.

Committee on Judiciary.

By Mr. Shelby:

S. 746. To provide for a system of recording and indexing of affidavits relating to the title of land; to provide that said affidavits shall constitute notice of the facts contained therein; to set out who may offer such affidavits for recordation; to establish the evidentiary character of said affidavits; to establish fees for recording and indexing affidavits; to repeal Sections 116, 117, and 118 of Title 47 of the Alabama Code of 1940; to provide for an effective date of the act and to provide that if any provision of this Act is declared invalid, such declaration shall not affect the validity of the remainder of the Act.

Committee on Judiciary.

By Mr. Shelby:

S. 747. To provide for a conclusive presumption in favor of an innocent purchaser or mortgagee for value without notice of non-delivery, where there has been a purported deed, mortgage or other conveyance of any interest in land, which has been signed by the grantor or mortgagor and recorded in the proper place for a period of three years.

Committee on Judiciary.

By Mr. Shelby:

S. 748. To provide for the recording and indexing of sales to foreclose liens for unpaid municipal ad valorem taxes and improvement assessments against land.

Committee on Judiciary.

By Messrs. Wilson and Edwards:

S. 749. To fix the annual compensation of the chief justice of the supreme court, associate justices of the supreme court and judges of the courts of appeal.

Committee on Finance and Taxation.



By Mr. Baker:

S. 750. To provide that any corporation organized under Code of Alabama 1940, Title 10, Section 168, as amended, for the demonstration of the single tax principal, shall amend its corporate charter in order to provide for the administration of certain funds held in trust.

Committee on Finance and Taxation.

By Mr. Baker:

S. 751. To provide for the revocation of the corporate charter of any corporation organized under Code of Alabama 1940, Title 10, Section 168, as amended, for the demonstration of the single tax principal.

Committee on Finance and Taxation.

By Mr. Baker:

S. 752. To provide that each lessee of any property owned by any corporation organized under Code of Alabama 1940, Title 10, Section 168, as amended, for the demonstration of the single tax principal, shall be entitled to vote in the management of such corporation's affairs to the same extent as any other member of such corporation.

Committee on Finance and Taxation.

By Mr. Baker:

S. 753. Relating to judicial procedure in the Ninth Judicial Circuit; regulating and providing further for the separation of the jury by consent in felony cases in such circuit.

Committee on Local Legislation No. 1.

By Mr. Baker (with notice and proof):

S. 754. To further amend Section 13 of Act 418, S. 358, approved November 13, 1959 (Acts 1959, p. 1107), which Act authorized the governing body of DeKalb County, Alabama to impose a certain gasoline excise tax within said county so as to provide further for the disposition of the proceeds from such tax.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 754, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. St. John (with notice and proof):

S. 755. Relating to Cullman County; to authorize and permit "flea" markets in said county to remain open for business during certain hours on Sunday; to provide for the licensing of such "flea" markets and to authorize the State to enjoin such "flea" markets from remaining open on Sunday contrary to this Act.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 755, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Teague:

S. 756. Relating to all counties having population of not less than 65,000 nor more than 68,000 according to the 1970 or any subsequent federal decennial census; to provide for the deposit of all pistol permit fees into a special fund to be known as the sheriff's law enforcement fund for the use of the sheriff.

Committee on Local Legislation No. 1.

### REPORTS OF COMMITTEES

Mr. Jones, Chairman of the Standing Committee on State Government, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Jones:

S. 734. To revise the present bail system, establishing four kinds of bail (PERSONAL RECOGNIZANCE, CASH, PROPERTY, PROFESSIONAL SURETY); and to establish rules, regulations, and laws to guarantee that all persons, regardless of the financial or social status, shall not needlessly be detained pending their appearance to answer charges; and to update laws which regulate bail bond companies; and to establish more lenient property bail; and said act shall be known as "The Alabama Bail Reform Act of 1977".

By Mr. Jones:

S. 588. To provide that upon the death of a state employee his beneficiary shall be entitled to a payment of one-half of his accrued sick leave and to repeal all conflicting statutes.

By Mr. Jones:

S. 592. To further amend Sections 1 and 3 of Act No. 470, S. 182, 1969 Regular Session (Acts 1969, p. 912—now appearing in Code of Alabama Recompiled 1958, Title 55, Section 488 (1) and 488 (3) ), as amended, which Act relates to various expense allowances for state employees so as to provide for increases in mileage allowances for such employees.

By Mr. Hilliard:

H. 284. To provide that the Student Union Building complex at Lawson State Community College be named the Leon Kennedy Student Union Building.

By Mr. Fine:

S. 532. To amend Code of Alabama, 1940, as amended, Title 29, Section 12; so as to prohibit the advertising of alcoholic beverages by billboards in "dry" counties; and to permit such advertising in "wet" counties.

By Mr. Higginbotham:

S. 717. To amend further Section 18 of Act No. 403, H. 330, 1971 Regular Session (1971 Acts, p. 689), relating to the registration and licensing of barbers and barber apprentices, so as to add Russell County to the list of counties to which the Act does not apply.

By Mr. Owen:

S. 596. To further amend Sections 4, 7, 10 and 12 of Act No. 422, H. 325 of the 1951 Regular Session (Acts 1951, p. 745), as last amended and reenacted, which Act regulates real estate brokers, salesmen and real estate transactions, so as to provide further therefor.

Mr. Jones, Chairman of the Standing Committee on State Government, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Ellis, King and Gilmore (with substitute):

S. 584. To require the State Building Commission to adopt, promulgate and enforce a state building code which contains energy conservation measures; to provide that said code is to be used in all future construction or remodeling of buildings which are constructed with state appropriated funds and to appropriate monies from the state general fund and the special educational trust fund for the development of said code.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Robertson, Johnson, McCorquodale, Andrews, Armstrong, Baker, Barron, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Ford, Gafford, Glass, Goodwin, Greer, Hall, Harris, Hill, Hilliard, Hines, Holmes (D), Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Sonnier, Sparks, Starkey, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

H. J. R. 405. NOTING THE RETIREMENT OF NORMAN F. USSERY AND COMMENDING HIM FOR MERITORIOUS SERVICE.

WHEREAS, The Alabama Legislature notes regretfully the retirement of Norman F. Ussery from the State Pardons and Parole Board; and

WHEREAS, Mr. Ussery, now of Millbrook, Alabama, is a native of Dothan who moved at an early age to Montgomery where he graduated from Sidney Lanier High School; he also was a graduate of Port Arthur College in Texas, General Electric School of Electronics in Schenectady, New York and studied additionally at the University of Alabama; and

WHEREAS, his long and notable career of service began in 1937 with the Montgomery Police Department, then as a teacher of Vocational Education at Spalding County High School, Griffin, Georgia; his association with the State of Alabama includes six years with the Alabama

Department of Education, more than four years with what is now the George C. Wallace Trade School, and four years as instructor at Draper Correctional Center Trade School which he helped implement with Dr. John M. McKee; and

WHEREAS, in 1965, Mr. Ussery was appointed to the Board of Pardons and Parole, was reappointed in 1971 and served with distinction and merit for almost twelve years until his retirement as associate member of the Board; and

WHEREAS, his interests further extend to include membership in Masonic Lodge # 67, the Millbrook Mens Club and a number of professional organizations; he is an active and involved member of the Coosada Baptist Church; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do unanimously and highly commend Norman F. Ussery for innumerable contributions to his community and to the State of Alabama, and direct that a copy of this resolution be sent to him that he may know of our warm wishes for a long and happy retirement and every future success.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Edwards, the Rules were suspended and the Resolution, H. J. R. 405, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate.

S. J. R. 293. REQUESTING THE SECRETARY OF THE ARMY TO RECOMMEND TO PRESIDENT CARTER THE CONTINUATION OF THE TENNESSEE-TOMBIGBEE WATERWAY IN HIS REPORT ON OR BEFORE APRIL 15, 1977.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Reed:

H. J. R. 387. URGING INTERVENTION BY PRESIDENT CARTER TO PREVENT THE CLOSING OF CRAIG AIR FORCE BASE IN SELMA, ALABAMA.

WHEREAS, a decision to close Craig Air Force Base would devastate the economy of Selma, Alabama, and surrounding Dallas County by initially boosting unemployment up to seventeen percent, or more, and leaving vacant up to 2,000 units of housing; and

WHEREAS, this area would suffer economically more than any of the areas in which the eight Air Training Commands are located and, further, would affect adversely a greater number of persons of a minority population due to the majority-minority ratio existing in Selma and Dallas County; and

WHEREAS, also, the tentative decision by the Air Force to close Craig AFB was based on studies which criteria measurements failed to note, or to take into consideration, the fact that of the eight bases involved, Craig has rated consistently in monthly ratings by the Air Force in the top five in categories such as performance, number of flying hours and safety, among others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That, in the interest of the economy of this area; because of the excellent community relations that exist between Craig AFB and Dallas County citizens; because of the economical soundness and expediency of the pilot training program and other military operations; and the readiness and availability of Craig AFB for increased pilot training when, and if necessary, for national security; we do unanimously urge President Carter to intervene immediately and take all due measures to prevent the closing of Craig Air Force Base in Selma, Alabama.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to President Carter and to each member of the Alabama Congressional Delegation in Washington, D. C.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Mr. Goodwin, the Rules were suspended and the Resolution, H. J. R. 387, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Cross, Roberts, Martin, Killian, Sparks, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Crowe, Dial, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCorquodale, McCulley, McMillan, McNair, McNees, Manley, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens,

Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce:

H. J. R. 385. CONGRATULATING REPRESENTATIVE AND MRS. TOM DRAKE.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. St. John, the Rules were suspended and the Resolution, H. J. R. 385, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Crowe:

H. J. R. 377. URGING CONGRESS AND PRESIDENT CARTER TO CONTINUE THE BEAR CREEK WATERSHED AND FLOOD CONTROL PROJECT.

WHEREAS, the Legislature of Alabama has demonstrated its unanimous support of the Tennessee Valley Authority and its mission to advance the economic development of the Tennessee Valley, its programs concerning water resource development and its activities in the fields of energy, water transportation, flood control and conservation; and

WHEREAS, specifically the Bear Creek Watershed and Flood Control project in Winston, Franklin and Marion counties in North Alabama indisputably will enhance the economic and recreational aspects of this area while protecting also the natural resources and environment of Northwest Alabama; and

WHEREAS, President Carter's proposed cut-off of funds of TVA to the Appalachian region of the United States could serve only to devastate the economy of Winston, Franklin and Marion Counties, a deleterious decision which would gravely and irrevocably endanger the missions, responsibilities and mandates of TVA; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That, committed, as one, to complete and wholehearted support of this most vital project of TVA, this body does respectfully strongly and unanimously urge the Congress of the United States and President Carter to continue necessary and adequate funding for the Bear Creek Watershed and Flood Control project which is of foremost importance to North Alabama and the entire Appalachian region of the United States.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to President Carter and to each member of the Alabama Congressional Delegation in Washington, D. C.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolution, H. J. R. 377, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Starkey:

H. J. R. 390. NAMING A SECTION OF STATE HIGHWAY 40 "RED BUD DRIVE."

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body hereby names and designates that part of State Highway 40 in Jackson County from State Highway 35 to the top of Sand Mountain, "Red Bud Drive."

BE IT FURTHER RESOLVED, That the Highway Department is hereby authorized and directed to erect and maintain appropriate signs and markers so designating said section of State Highway 40.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The Resolution, H. J. R. 390, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. White, Smith (C), Allbright, Smith (M):

H. J. R. 389. CREATING A LEGISLATIVE LIAISON COMMITTEE FOR PRIMARY MEDICAL CARE.

WHEREAS, there is a pressing need for primary medical care in rural areas; and

WHEREAS, there is an increased number of physicians coming into the practice of medicine within the next two years, with a marked increase in the number of physicians graduating from the medical school at the University of Alabama in Birmingham; and

WHEREAS, the University of Alabama in Birmingham has agreed to work with these students and with the people at the local community level to study the needs of primary medical care in rural areas; and

WHEREAS, there is a need for a legislative liaison committee to see that rural Alabamians are made knowledgeable of this opportunity to secure physicians; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a legislative liaison committee to be composed of four members of the House and two members of the Senate to be appointed by the presiding officer of each house and one member to be appointed by the Governor. The members of the committee shall elect from among their membership a chairman and vice chairman. The committee shall work with the Medical School at UAB to see that community leaders of the rural areas of this state are made aware of the possibility of obtaining a physician for practice in their areas.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work.

Each legislative member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, on warrants drawn on the state comptroller upon requisition signed by the committee's chairman. The member of the committee appointed by the Governor shall be paid his expenses out of the Governor's contingency fund. The Committee shall not spend more than \$10,000.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The Resolution, H. J. R. 389, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Greer, Hill, Coburn and Goodwin:

H. J. R. 342. COMMENDING CHARLIE THOMPSON FOR HEROISM.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Peden, the Rules were suspended and the Resolution, H. J. R. 342, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:



By Mr. Andrews:

H. J. R. 354. COMMENDING REV. ROBERT E. BROWN,  
PASTOR OF THE LAKEWOOD BAPTIST CHURCH.

Also:

By Messrs. Rich, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCorquodale, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

H. J. R. 372. MOURNING THE DEATH OF FORMER STATE  
REPRESENTATIVE J. B. BURKHALTER OF CHEROKEE COUNTY.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Mr. Clemon, the Rules were suspended and the Resolution, H. J. R. 354, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Mr. Adams, the Rules were suspended and the Resolution, H. J. R. 372, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Roberts:

H. J. R. 380. CREATING A SELECT JOINT INTERIM  
COMMITTEE TO STUDY SEWAGE TREATMENT FACILITIES.

WHEREAS, throughout rural sections of Alabama, countless areas exist which pose significant obstacles to the installation of conventional sewage collection and treatment facilities, which factors such as severe topography and low population density making the cost of conventional sanitation facilities prohibitive, ranging from \$5,000 to \$10,000 per connection; and

WHEREAS, although septic tanks are widely used in rural areas as an alternative, it is estimated that approximately 50% of these septic

systems do not function properly, as the soils in much of Alabama do not provide the percolation required for septic tank use, and even in areas where the ground will percolate the effluent produced by septic facilities is of a poor quality and therefore presents the danger of ground water contamination; and

WHEREAS, the choice, therefore, is either to prohibit development in such areas, or to finance the extremely high cost of conventional sewage collection and treatment facilities which, in itself, is a substantial deterrent to development in new areas; similarly, there remains the problem of homes presently in use with failing septic equipment, necessitating the alternative here to either providing adequate sanitation facilities or, short of moving families from their homes, allowing the existing unsanitary conditions to persist; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim committee to be composed of four members of the House and three members of the Senate to be appointed by the presiding officer of each house. The members of the committee shall elect from among their membership a chairman and vice chairman. The committee shall make a study of new sewage collection and treatment facilities now being used in other states, and other systems now being developed.

Upon the request of the chairman, the secretary of the senate and the clerk of the house shall provide such clerical assistance as may be necessary for the committee's work.

The committee shall report its findings, conclusions and recommendations on sewage treatment facilities to the legislature not later than the tenth legislative day of the 1978 Regular Session whereupon the committee shall be dissolved.

Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, on warrants drawn on the state comptroller upon requisition signed by the committee's chairman. Provided, however that the Committee shall not spend an excess of \$3500.00

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The Resolution, H. J. R. 380, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Mitchem:

H. J. R. 379. COMMENDING DR. W. H. (JACK) TAYLOR UPON HIS RETIREMENT FROM THE ALABAMA COOPERATIVE EXTENSION SERVICE, AUBURN UNIVERSITY.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. McMillan, the Rules were suspended and the Resolution, H. J. R. 379, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying message from His Excellency, the Governor, proposing an amendment to the Bill:

H. 526. Relating to Bibb County; providing for the establishment of a consolidated and unified system of assessing and collecting taxes under one elective county official designated as "county tax assessor and collector"; prescribing the powers, duties, term of office and compensation of said official; providing for the manner of election to the new office; abolishing the offices of tax assessor and tax collector in Bibb County; repealing conflicting laws; and prescribing the effective date of this act.

Said Governor's Message being in words and figures as follows, to-wit:

## MESSAGE FROM THE GOVERNOR

To the House of Representatives  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a Message from the Governor concerning House Bill Number 526 and containing a suggested Executive Amendment.

Respectfully submitted,  
HENRY B. STEAGALL, II,  
Executive Secretary.

Done this 8 day of March, 1977.

To the House of Representatives  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

At the request of the sponsor, I am returning to you, the Body in which it originated, House Bill Number 526 without my approval and with a suggested Executive Amendment.

It is suggested that you amend House Bill Number 526 by deleting Section 5 of this bill in its entirety, and inserting in lieu thereof the following:

Section 5. This Act shall become effective on March 1, 1977, and approval by the Governor, or upon its otherwise becoming a law.

The adoption of this suggested Executive Amendment will remove my objections to this bill.

Respectfully,  
 GEORGE C. WALLACE,  
 Governor.

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor to the Bill, H. B. 526, by a vote of a majority of the whole number elected to the House, said votes being: Yeas 46, Nays 0.

And said Bill, as amended by the Executive Amendment, was again read at length and passed by a vote of a majority of the whole number elected to the House, said vote being: Yeas 54, Nays 0.

And said Bill, H. 526, together with the Executive Amendment, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,  
 Clerk.

#### HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. Shelby, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, H. B. 526, the title of which and said Executive amendment are set out in the foregoing Message from the House.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Goodwin, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, Shelby, Teague, Vacca, Wilson.

—25

*Nays:*

—0

which was a majority of the whole number elected to the Senate.

#### RESOLUTION

Mr. Owen offered the following Senate Joint Resolution, to-wit:

S. J. R. 301. PROPOSING A NEW JOINT RULE OF THE TWO HOUSES OF THE LEGISLATURE.

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That the following be added as a new joint rule:

Rule 16. All local bills, general bills of local application or resolutions making or causing to be made an appropriation from any county or municipal treasury shall have endorsed and attached thereto a reliable estimate of the money expended therein and the anticipated increase or decrease in spending or the anticipated increase and decrease of the revenue provisions of the bill. This rule shall also take effect in regard

to any action by bill or resolution creating a new program requiring the expenditure of funds by any local unit of government. The fiscal note shall be prepared under the supervision of the author and shall be verified by the chairman of the standing committee to which it is referred, and shall be attached to the bill or resolution by the chairman of the committee reporting the measure and said chairman must sign the fiscal note to verify its accuracy.

Any bill or resolution reaching the calendar without the foregoing fiscal note will be recommitted to the committee which reported it, on motion, and shall remain in committee until the proper fiscal note is attached and signed by the chairman of the committee.

Which was read and referred to the Standing Committee on Rules.

### GOVERNOR'S APPOINTMENT

The Senate proceeded to further consideration of the following Governor's appointment:

Appointment of Hon. Tom Ventress to the State Board of Pardons and Paroles

which said appointment was reported favorably from the Standing Committee on Rules and postponed on the Fourteenth Legislative Day.

Mr. Adams moved that the Senate confirm the appointment of Mr. Ventress. Mr. Clemon moved that the motion to confirm be laid on the table, which motion was lost.

Yeas 15; Nays 16.

*Yeas:*

Messrs. Bank, Clemon, Gilmore, Jones, King, McDonald (S), McMillan, Mims, Pearson, Peden, Perloff, Powell, St. John, Shelby, Stewart.

— 15

*Nays:*

Messrs. Adams, Edwards, Ellis, Fine, Goodwin, Higginbotham, Little, Littleton, McDonald (A), Miller, Mitchell, Owen, Perry, Teague, Vacca, Waldrop.

— 16

Mr. Clemon moved that the motion to confirm be postponed until the next Legislative Day. Mr. Adams moved that the motion to postpone be laid on the table, which motion was lost.

Yeas 15; Nays 16.

*Yeas:*

Messrs. Adams, Edwards, Fine, Goodwin, Higginbotham, Jones, Littleton, McDonald (A), Miller, Mitchell, Owen, Perry, Teague, Vacca, Waldrop.

— 15

*Nays:*

Messrs. Baker, Bank, Clemon, Gilmore, King, Little, McDonald (S), McMillan, Mims, Pearson, Peden, Perloff, Powell, St. John, Shelby, Stewart.

— 16

### RESOLUTION

Mr. Goodwin offered the following Senate Joint Resolution, to-wit:

S. J. R. 302. COMMENDING THE SELMA HIGH SCHOOL BASKETBALL TEAM ON WINNING THE 4A HIGH SCHOOL STATE CHAMPIONSHIP.

WHEREAS, the Saints of Selma High School claimed the State 4A crown at the University of Alabama's Memorial Coliseum, March 12, 1977, the first 4A championship win for a South Alabama team since 1967; and

WHEREAS, Selma's Saints enjoyed a remarkable 29-4 season record, an accomplishment that must be credited in great measure to Head Coach James Booth for his talented direction and leadership which helped to develop the high level of technical skill displayed by his team throughout the entire season; winning the crown was the culmination of many long hours of hard dedicated practice and discipline and served as a more than fitting finish for Coach Booth's tenure at Selma High as he leaves at the end of this year to become head basketball coach at George C. Wallace Community College; and

WHEREAS, each member of Selma High School's outstanding team is to be congratulated for his part in the Saints' fine season and championship victory, as is assistant coach A. A. Sewell for his leadership and support; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily congratulate the Selma High School Saints for their outstanding season and for their 4A championship victory.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Principal W. J. Yelder, Head Coach James Booth, Coach Sewell and to the Selma Times Journal and the Selma News Record.

On motion of Mr. Goodwin, the Rules were suspended and the Resolution was adopted by the Senate.

### RECESS

At 1:30 P.M., on motion of Mr. Perry, the Senate took a recess until 3 o'clock this afternoon.

The recess period having expired, the Senate was called to order by Lieutenant Governor Beasley. A quorum of the Senate was present.

### FURTHER CONSIDERATION OF GOVERNOR'S APPOINTMENT

The Senate proceeded to further consideration of the Governor's appointment of Hon. Tom Ventress to the State Board of Pardons and Paroles.

The question was on the motion of Mr. Clemon that further consideration of confirmation of said appointment be postponed until the next Legislative Day.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 276. MOURNING THE DEATH OF AUBURN CIVIC LEADER, ROBERT N. HOIT.

Also:

S. J. R. 280. OFFERING GOOD WISHES FOR A SUCCESSFUL CAREER FOR DAVID A. NIHART.

Also:

S. J. R. 286. CONGRATULATING MRS. ELIZABETH WHITMIRE.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 292. COMMENDING THE UNIVERSITY OF NORTH ALABAMA BASKETBALL TEAM.

Also:

S. J. R. 295. COMMENDING NORMAN F. USSERY FOR MERITORIOUS SERVICE.

Also:

S. J. R. 296. COMMENDING MORRIS NELSON, A DEDICATED KIWANIAN.

Also:

S. J. R. 297. MOURNING THE DEATH OF JAMES W. MCDANIEL.

Also:

S. J. R. 298. COMMENDING THE UNIVERSITY OF ALABAMA, HUNTSVILLE, BASKETBALL TEAM.

Also:

S. J. R. 299. COMMENDING THE UNIVERSITY OF ALABAMA, HUNTSVILLE, WIND ENSEMBLE.

JOHN W. PEMBERTON,  
Clerk.

**FURTHER CONSIDERATION OF GOVERNOR'S APPOINTMENT**

The Senate proceeded to further consideration of the Governor's appointment of Hon. Tom Ventress to the State Board of Pardons and Paroles.

The question was on the motion of Mr. Clemon that further consideration of confirmation of said appointment be postponed until the next Legislative Day.

**RECESS**

At 3:30 P.M., on motion of Mr. Clemon, the Senate took a recess for twenty minutes.

The recess period having expired, the Senate was called to order by Lieutenant Governor Beasley. A quorum of the Senate was present.

**FURTHER CONSIDERATION OF GOVERNOR'S APPOINTMENT**

The Senate proceeded to further consideration of the Governor's appointment of Hon. Tom Ventress to the State Board of Pardons and Paroles.

The question was on the motion of Mr. Clemon that further consideration of confirmation of said appointment be postponed until the next Legislative Day.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Greer, Smith (B), Whatley, Hill, Starkey, Killian, Roberts, Carter, Riddick and Coburn:

H. 341. To amend Sections 39 and 40 of Title 8, Code of Alabama of 1940, by providing for certain increases in nonresident fishing license fees; establishing an issuance fee for nonresident licenses; providing for the distribution of the revenue obtained by such increase; providing for the deletion of any reference as to race from the application for said licenses and providing that such licenses may be used for fishing in any fresh, salt or brackish waters in this state.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 341. To the Committee on Finance and Taxation.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:



By Messrs. Morris, Manley, Pegues, Cooper and Callahan:

H. 394. To amend Code of Alabama 1940, Title 48, Section 82, providing for judicial review of proceedings on appeal from orders of the Alabama Public Service Commission.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 394. To the Committee on Commerce, Transportation, and Utilities.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Smith (M), Cooper, Pegues, Morris, Manley, Sasser, Callahan, Higginbotham, Robertson and Dial:

H. 440. To require any utility or telephone company that is required to obtain a certificate of public convenience and necessity under Title 48, Section 105 or Section 332 of the 1940 Code of Alabama from the Alabama Public Service Commission for the construction or operation of any facility to give notice of the filing of such application with said Commission to the reasonably identifiable owners of all lands which are proposed to be acquired for the construction or operation of the facility for which the certificate of convenience and necessity is sought, and to provide that such owners shall be entitled to be heard and to participate in such certificate proceedings, except, however, such notice requirement shall not apply to the acquisition of lands or interest in lands for utility or telephone transmission or distribution lines; to repeal all laws or parts of laws in conflict herewith and to provide for the effective date of this Act.

Also:

By Mr. Manley:

H. 701. To further amend Section 5 of Act No. 21, H. 28, Special Session of 1969 (Acts of Alabama 1969, p. 46; now appearing in Code of Alabama 1940, Recompiled 1958, Title 51, Section 188(1)) levying a privilege or license tax against certain persons and utilities on account of the furnishing of certain utility services and to prescribe the rates and exclusions therefrom so as to further provide for an exclusion for any individuals sixty-five years of age or over.

Also:

By Messrs. Johnstone, Glass and Manley:

H. 269. To provide for the attendance of witnesses from outside the state in criminal proceedings and to provide for the summoning of such

witnesses and the arrest and service of process; and to provide for the repeal of all laws in conflict; and to provide an effective date.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 440 and 701. To the Committee on Commerce, Transportation, and Utilities.

H. B. 269. To the Committee on Judiciary.

### FURTHER CONSIDERATION OF GOVERNOR'S APPOINTMENT

The Senate proceeded to further consideration of the Governor's appointment of Hon. Tom Ventress to the State Board of Pardons and Paroles.

The question was on the motion of Mr. Clemon that further consideration of confirmation of said appointment be postponed until the next Legislative Day.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Coburn, Sandusky, Biddle, Cooper, Smith (M), Robertson, Callahan, Sasser, Manley, Morris, Pegues, Waggoner, Rich, Merrill, Gafford and Owens:

H. 419. To amend Title 15, Section 45, Code of Alabama, 1940 (Recompiled 1958) so as to increase the amount that can be offered as a reward for the rearrest or apprehension of certain specified individuals.

Also:

By Messrs. Coburn, Sandusky, Cooper, Smith (M), Robertson, Callahan, Sasser, Manley, Morris, Pegues, Waggoner, Rich, Merrill, Biddle, Gafford and Owens:

H. 420. To amend Title 15, Section 44 of the Code of Alabama, 1940, (recompiled 1958) so as to increase the amount that can be offered as a reward and also specify the crimes for which the reward can be offered.

Also:

By Messrs. McCulley and McMillan:

H. 321. To amend Section 9, Subsection (c) (3), Act No. 1, H. 46, Regular Session, 1945 [(General Acts of Alabama 1945, p. 1; now appearing in Title 26, Section 179(32) (c) (3), Code of Alabama (1940) (Recomp. 1958)] so as to increase the requirement and conditions of a bond regarding oil and gas wells.

Also:

By Messrs. McCulley and McMillan:

H. 320. To amend further Section 12 of Act No. 1, H. 46, Regular Session 1945 (General Acts of Alabama 1945, p. 1) entitled "An act to conserve natural resources of the State of Alabama and to prevent the waste thereof by providing for the regulation, control, and supervision of the drilling for and the production and use of oil and gas in the State of Alabama and to provide funds therefor by the levy of a charge of twenty-five dollars upon each well drilled in search of oil and gas in Alabama and a tax equal in amount of two percent of the gross value, at the point of production, of oil and gas produced in Alabama", approved May 22, 1945, as amended, so as to allow spacing in the case of irregular sections which exceed 640 acres and so as to allow the Board to designate drilling or production units of up to 160 acres or one governmental quarter section in the case of oil and 640 acres or one governmental section in the case of gas plus ten percent tolerance so as to allow for irregular sections, and to further allow the Board, after notice and hearing, to establish units in oil and gas pools not to exceed 30 percent greater than 160 acres or one governmental quarter section in the case of oil and 640 acres or one governmental section in the case of gas, provided such action is justified by sufficient technical data indicating that such acreage or lands in excess of the aforesaid limitations is being drained or is in imminent danger of being drained and that the owners of interests in such said excess acreage or land cannot otherwise receive their just and equitable share of production from the pool; further providing that each such owner shall pay his proportionate share of drilling and production costs.

Also:

By Messrs. Drake, Smith (J), Crowe, McMillan, Goodwin, Roberts and Ford:

H. 150. Relating to elections; to amend the nominating procedure by changing the date for primaries, declaration and certification of candidacy, beat or mass meetings, canvass and tabulation of returns, refusal of run-off and certification of nominees and independent candidates; for such purposes, to amend Act No. 1196, S. 1018, 1975 Regular Session (Acts 1975, p. 2349), which relates to primary elections; to amend the time for contesting elections; to repeal Code of Alabama 1940, Title 17, Sections 145 and 373; and to repeal other conflicting laws.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 419 and 420. To the Committee on Judiciary.

H. B.'s 321 and 320. To the Committee on Commerce, Transportation, and Utilities.

H. B. 150. To the Committee on State Government.

## RESOLUTIONS

Mr. Shelby offered the following Senate Joint Resolution, to-wit:

**S. J. R. 303. COMMENDING THE UNIVERSITY OF ALABAMA BASKETBALL TEAM FOR AN OUTSTANDING SEASON.**

WHEREAS, the University of Alabama basketball team won a school record 25 games in 1976-77 to become the fifth straight Alabama team to win 22 or more games in a season, thus ranking the Crimson Tide among only a handful of teams in the nation in this category; and

WHEREAS, they won the prestigious Dayton Invitational for the second time in Alabama basketball history and also won the Carolina Classic, becoming the first team in Crimson Tide history to win two tournaments in one season; and

WHEREAS, this talented team earned a berth in the nation's oldest national basketball tournament, the National Invitational Tournament, in New York's Madison Square Garden and reached the semifinals for the second time in Alabama's history; it was the third consecutive year, and fourth in five years, for them to be invited to a post-season national basketball tournament; and

WHEREAS, each member of the team, both offense and defense, played the entire season with skill and brilliance; and individually, senior Ricky Brown received honorable mention for All-SEC, and senior T. R. Dunn and Sophomore Reggie King made the All-Southeastern Conference first team with Dunn also being named the Conference's best defensive player by a special vote of the captains of the SEC teams; and

WHEREAS, for the fifth straight year, the Crimson Tide had a starting lineup made up entirely of players from the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we highly commend, praise and applaud the University of Alabama's Crimson Tide for their outstanding season, and for the fame, honor and glory they have brought to our state in prestigious national competition and tournament championships.

BE IT FURTHER RESOLVED, That copies of this resolution be presented to Head Coach C. M. Newton and his capable staff, and to each member of the team.

On motion of Mr. Shelby, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Shelby then offered the following Senate Joint Resolution, to-wit:

**S. J. R. 304. HONORING COACH C. M. NEWTON OF THE UNIVERSITY OF ALABAMA.**

WHEREAS, the Legislature of Alabama recognizes that C. M. Newton, head basketball coach at the University of Alabama, is the man responsible for the Crimson Tide's phenomenal rise to national prominence, and if "All experience is an arch to build upon," Coach Newton began with an abundance of experience and talent, added perseverance and brilliance to produce teams that, undeniably, have put Alabama basketball in the spotlight as one of the top teams in the nation; and

WHEREAS, under Coach Newton, the University of Alabama can boast of a 114-28 record over the past five years; he led Alabama to a school record 25 victories in 1976-77, to its third national tournament berth and its fourth invitational in five years; and

WHEREAS, this year he was a charter inductee into the Sports Hall of Fame in his hometown of Fort Lauderdale, Florida; he has been selected to coach the South team in the prestigious Aloha Classic in Honolulu, Hawaii this Spring, and will conduct basketball camps for young people around the state for the sixth straight year in a row; and

WHEREAS, Coach Newton also has been a lecturer and clinician for numerous basketball associations and for the United States Department of State, both in the United States and in other countries; and

WHEREAS, in addition to his arduous and time-consuming responsibilities as Alabama's head basketball coach, he has further extended his activities and involvements to include serving as chairman of recruiting for the Black Warrior Council, Boy Scouts of America, and is active also in numerous civic affairs throughout the state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do highly commend Coach C. M. Newton for excellence and for his dedicated interest in the young athletes of our state and nation; we are aware, and appreciate, that he has given the University of Alabama one of the most respected and most successful basketball programs in the country, and, as a token of our high esteem, direct that Coach Newton be presented with a copy of this resolution.

On motion of Mr. Shelby, the Rules were suspended and the Resolution was adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. McCluskey:

H. 845. Relating to counties having populations of not less than 10,660 nor more than 10,900 inhabitants according to the 1970 or any subsequent federal decennial census; providing further for the regular meeting date of the county commission in any such county.

Also:

By Mr. Johnstone:

H. 723. Proposing an amendment to the Constitution of Alabama authorizing Mobile County to build and operate a county penal facility and to issue bonds and levy a tax to finance the facility.

Also:

By Mr. Sandusky:

H. 81. To amend further Section 18 of Act No. 2431, H. 2569, Regular Session 1971 (Acts 1971, p. 3880 et. seq.), which relates to dog

rating and wagering thereon in certain counties based on a population basis, so as to provide further for the distribution of the revenues received under said Act.

Also:

By Mr. Sandusky:

H. 82. To provide that all municipalities located in any county of the state having a population of more than 300,000 and less than 600,000, according to the 1970 or any subsequent federal decennial census, shall have authority, after notice as herein provided, to remove and demolish buildings and structures, parts of buildings and structures, party walls and foundations when the same are found by the governing body of such municipality to be unsafe to the extent of being a public nuisance; to provide for a hearing by the governing body if requested; to provide that the cost of such demolition shall constitute a special assessment against the lot or lots, parcel or parcels whereon the building or structure was located and that such assessment shall constitute a lien on said property; and to provide a method of collecting such assessments.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 845, 723, 81, and 82. To the Committee on Local Legislation No. 1.

(The above numbered Bill, H. B. 723, was read at length as required by the Constitution.)

#### FURTHER CONSIDERATION OF GOVERNOR'S APPOINTMENT

The Senate proceeded to further consideration of the Governor's appointment of Hon. Tom Ventress to the State Board of Pardons and Paroles.

The question was on the motion of Mr. Clemon that further consideration of confirmation of said appointment be postponed until the next Legislative Day.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. White, Waggoner, Biddle, Armstrong, Falkenburg, Andrews, Hilliard, Trammell, Hopping, Jackson (R), Hall, Moore (O), Gafford and McNair:

H. 923. To apply to every county of the State having a population of 500,000 or more according to the last or any subsequent Federal census; to empower the governing body of any such county to require the officer or department of the county issuing license tags or plates pursuant to Act

No. 524 of the Regular Session of the Legislature of 1975 (Ala. Acts, 1975, pp. 1177-1178) to charge and collect a fee, not exceeding One Dollar (\$1.00), to cover the expense of issuing by mail the tabs, disks or other devices said Act No. 524 provides shall constitute evidence of payment of the license fee for the fiscal year indicated on such tab, disk or other device; to provide that such officer or department shall pay into the county treasury any fees collected under the Act; and to repeal all laws, whether general, special or local, in conflict herewith to the extent of any such conflict.

Also:

By Mr. Andrews:

H. 444. To amend Section 22 of Act No. 248 of the Legislature of Alabama of 1945 (General Acts of 1945, pages 376-400) establishing a county wide civil service system for counties with a population of 400,000 or more, as amended by Act No. 562, approved October 9, 1947 (General Acts of Legislature of Alabama, 1947, page 398), by Act No. 670, approved September 16, 1953 (Acts of Legislature of Alabama, Regular Session, 1953, page 927), and by Act No. 1600, approved September 17, 1971 (Acts of Legislature of Alabama Regular Session, 1971, page 2754).

Also:

By Messrs. Drake and Sparks:

H. 555. To prohibit the sale, the offering for sale or the use of steel log-hold traps designed for capturing wild animals in any county having a population of not less than 50,000 nor more than 52,500 inhabitants according to the 1970 or any subsequent federal decennial census; and to prescribe penalties for violations.

Also:

By Mr. Andrews:

H. 499. To amend Section 12 of Act No. 248 of the Regular Session of the Legislature of Alabama of 1945 (General Acts of Alabama, Regular Session 1945, p. 376, et. seq.), to provide for a Pay Plan whereby Merit System Employees may receive Salary increases.

Also:

By Mr. Callahan:

H. 1022. To amend Act No. 826 adopted at the 1973 Regular Session of the Legislature of Alabama so as to provide that the cost of an improvement shall include expenses necessary for the financing thereof, including fiscal advisory services; to provide that any temporary note may run for a period of one year or until six months after the date on which it is estimated assessments will be made final, whichever shall be the longer period; to provide that in certain circumstances bonds issued thereunder may be payable in annual installments, the first installment of principal of which shall be no later than eighteen months after the date on which assessments are estimated to be made final and that principal maturities on such bonds may be so fixed that no installment of principal and interest coming due on such bonds in any calendar year after the year of the first principal maturity is more than \$5,000 greater than the installments of principal and interest coming due in any subsequent year during which such bonds will be outstanding; to provide that any bonds issued

thereunder may be sold at either public or private sale; to provide for the severability of the provisions of this act; and to provide for the effective date of this act.

Also:

By Mr. Johnstone (with notice and proof):

H. 283. To amend Sections 2, 3, 4 and 6 of Act No. 248, 1947 Regular Session (Local Acts of 1947, p. 172), entitled "An Act To authorize and provide for the establishment, maintenance, operation and financing of a Public Law Library in Mobile County, Alabama; to authorize the governing body of said County to expend public funds under its control therefor; to provide for the taxing and collecting of additional court costs in certain Courts in said County for such purpose and for the expenditure thereof; to designate the officers to accomplish said purpose and to define the powers and duties of such officers with respect thereto, and the designation of personnel to operate said Library, or to assist therein, and the employment of additional personnel for said purpose, and the payment of the salaries of such personnel," so as to provide further for the financing of such law library and to provide for court costs to be imposed within the structure of the state courts of the unified judicial system established and implemented by Act No. 1205, S. 400 of the 1975 Regular Session.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 283, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

By Messrs. McCulley, Buskey, Kennedy, Cooper, Sonnier, Callahan, McMillan, Glass and Sandusky:

H. 395. Relating to all counties having populations of not less than 300,000 nor more than 600,000 according to the 1970 or any subsequent federal decennial census; to provide for an additional expense allowance for the members of the county board of school commissioners.

Also:

By Mr. Glass (with notice and proof):

H. 463. Relating to Mobile County; to provide for and require an election before any of the unincorporated areas of Tillman's Corner or Theodore may be annexed to the City of Mobile.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 463, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Messrs. Sonnier and Kennedy:

H. 536. Relating to counties having a population of not less than 300,000 nor more than 500,000 inhabitants according to the most recent federal decennial census, authorizing the serving, buying, sale and drinking of alcoholic and malt or brewed beverage until 2 a.m. on Sunday.



Also:

By Messrs. Johnstone, Callahan, Kennedy, Glass, Buskey, Sandusky, McMillan, Sonnier and McCulley (with notice and proof):

H. 548. Relating to Mobile County, to amend Section 1 of Act No. 87, H. 270 Regular Session 1955, an Act relating to Mobile County and regulating the office of the Judge of Probate of said County (Acts 1955 Vol. 1, page 335) as last amended by an Act approved September 12, 1969, (Acts 1969, Vol. III, page 1988).

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 548, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 923, 444, and 499. To the Committee on Local Legislation No. 2.

H. B.'s 555, 283, 395, 463, 536, and 548. To the Committee on Local Legislation No. 1.

H. B. 1022. To the Committee on Finance and Taxation.

### FURTHER CONSIDERATION OF GOVERNOR'S APPOINTMENT

The Senate proceeded to further consideration of the Governor's appointment of Hon. Tom Ventress to the State Board of Pardons and Paroles.

The question was on the motion of Mr. Clemon that further consideration of confirmation of said appointment be postponed until the next Legislative Day.

### RESOLUTION

Messrs. Ellis, Little, Vacca, Higginbotham, Edwards, King, Wilson, Bank, Shelby, McMillan, Adams, Goodwin, Stewart, Miller, Perloff, Mims, Noonan, St. John, Baker, Gilmore, Waldrop, Teague, Fine, Littleton, Mitchell, Powell, Peden, McDonald (A), and Owen offered the following Senate Joint Resolution, to-wit;

S. J. R. 305. COMMENDING JOSEPH R. TURNHAM FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, the Legislature of Alabama has noted the many outstanding accomplishments of Joseph Rice Turnham, son of Pete Turnham, our esteemed colleague in the House; and

WHEREAS, young Joe Turnham is a 17 year old senior at Lee Academy in Auburn, Alabama where he is a 3-year member of the school's

academic Beta Club; he was selected All District Varsity Baseball in the 10th grade, All District Varsity Basketball in the 11th and 12th grades, Co-Captain of the Varsity Basketball in the 12th grade, and has been selected Who's Who among American High School Students; and

WHEREAS, his many honors extend further to include Class President, 8th and 9th grades; Class Vice-President, 7th and 10th grades; Student Council Secretary, 11th grade, and Student Council President his senior year; and

WHEREAS, Joe Turnham has been Alabama Boys State Representative, U. S. Youth School Representative, has participated in the State Program in the 11th grade, was voted by his senior class as the "most likely to succeed", received honorable mention in Senator Jim Allen's "What's Right With America" essay contest, and has been voted "Mr. Lee Academy" in the 12th grade; and

WHEREAS, this outstanding young man also actively participates in the Lakeview Baptist Church Youth Program, is a Senior Councilor, Lee Chapter, Order of DeMolay, and was the DeMolay state speaking winner in 1976; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do highly commend and praise Joe Turnham of Auburn, Alabama for notable achievement, and for the many awards and honors he has received throughout his school career.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to him and to his justifiably proud parents, our friend and colleague, Pete Turnham, and his wife Kay.

On motion of Mr. Ellis, the Rules were suspended and the Resolution was adopted by the Senate.

#### FURTHER CONSIDERATION OF GOVERNOR'S APPOINTMENT

The Senate proceeded to further consideration of the Governor's appointment of Hon. Tom Ventress to the State Board of Pardons and Paroles.

The question was on the motion of Mr. Clemon that further consideration of confirmation of said appointment be postponed until the next Legislative Day.

#### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the appointment of Adjutant General.

Respectfully submitted,  
HENRY B. STEAGALL, II,  
Executive Secretary.

Done this 24th day of March, 1977.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Henry B. Gray, III, Eufaula, Alabama, as the Adjutant General of Alabama with grade of Major General.

Respectfully,

GEORGE C. WALLACE,  
Governor.

Done this 24th day of March, 1977.

#### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to the appointment of Adjutant General, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 526. Relating to Bibb County; providing for the establishment of a consolidated and unified system of assessing and collecting taxes under one elective county official designated as "county tax assessor and collector"; prescribing the powers, duties, term of office and compensation of said official; providing for the manner of election to the new office; abolishing the offices of tax assessor and tax collector in Bibb County; repealing conflicting laws; and prescribing the effective date of this act.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

#### FURTHER CONSIDERATION OF GOVERNOR'S APPOINTMENT

The Senate proceeded to further consideration of the Governor's appointment of Hon. Tom Ventress to the State Board of Pardons and Paroles.

The question was on the motion of Mr. Clemon that further consideration of confirmation of said appointment be postponed until the next Legislative Day.

## ADJOURNMENT

At 4:30 P.M., Mr. Baker moved that the Senate adjourn until Thursday, March 31, 1977, at 11 o'clock A.M.

Mr. Adams offered a substitute motion that the Senate adjourn until Wednesday, March 30, 1977, at 12:01 A.M., which motion was lost.

Yeas 9; Nays 25.

*Yeas:*

Messrs. Adams, Fine, Gilmore, Goodwin, Jones, Owen, Perloff, Perry, Waldrop.

—9

*Nays:*

Messrs. Baker, Bank, Clemon, Edwards, Ellis, Higginbotham, King, Little, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Pearson, Peden, Powell, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Wilson.

—25

The question was then on the motion of Mr. Baker, which was adopted, and at 4:35 P.M., pending further consideration of the appointment of Hon. Tom Ventress, and of S. B.'s 426 and 62, the Senate adjourned until Thursday, March 31, 1977, at 11 o'clock A.M.

Yeas 21; Nays 14.

*Yeas:*

Messrs. Baker, Bank, Clemon, Edwards, Fine, Gilmore, Goodwin, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Pearson, Peden, Powell, Roberts, St. John, Shelby, Stewart, Teague.

—21

*Nays:*

Messrs. Adams, Ellis, Higginbotham, Jones, King, Little, Miller, Noonan, Owen, Perloff, Perry, Vacca, Waldrop, Wilson.

—14

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SIXTEENTH LEGISLATIVE DAY

THURSDAY, MARCH 31, 1977

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

## PRAYER

The Session was opened with prayer by the Reverend Doyle Brown, Pastor, Blue Ridge Baptist Church, Wetumpka, Alabama.

## ROLL CALL

Present:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, Littleton, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

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## JOURNAL

On motion of Mr. Perloff, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Fifteenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

OBIE J. LITTLETON,  
Acting Chairman.

## COMMITTEE REPORT

On motion of Mr. Littleton, the foregoing report was concurred in and the Journal of the Senate for the Fifteenth Legislative Day was approved by the Senate.

## LEAVE OF ABSENCE

On motion of Mr. Perloff, leave of absence was granted Mr. McDonald (S) for today.

## RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 306. RESOLVED by the Senate that the following business in the order named be made the special paramount and continuing order of business immediately upon the adoption of the resolution for the 16th Legislative Day only; taking precedence over all other business and the regular order of business for said legislative day:

Bill No.	Page No.	Description
H. B. 433	145	Pilots fees
S. B. 285	32	Rural water systems
H. B. 154	62	Credit unions
H. B. 198	83	Malpractice claims

S. B. 400	23	Non-resident contractors
S. B. 401	24	Liens—equipment
S. B. 473	80	Law enforcement
H. B. 103	108	Probate Court
H. B. 104	109	Probate Court
S. B. 19	107	Probate Court
S. B. 335	67	Criminal procedure
H. B. 717	82	

All uncontested local bills.

The above specified bills shall be considered only during the hours of 11:00 a.m. and 2:30 p.m. It being understood and agreed that the bill being considered at 2:30 p.m. shall be carried over to the next legislative day as Unfinished Business.

The unfinished business of the Senate as reflected by the Regular Calendar.

Be it further resolved that bills may be introduced at any time and Standing Committees be allowed to report out of order at any time during the day.

Mr. Baker offered the following substitute for the Resolution, to-wit:

#### SUBSTITUTE FOR S. R. 306

RESOLVED by the Senate that the following business in the order named be made the special paramount and continuing order of business immediately upon the adoption of the resolution for the 16th Legislative Day only; taking precedence over all other business and the regular order of business for said legislative day:

Bill No.	Page No.	Description
H. B. 433	145	Pilots fees
S. B. 285	32	Rural water systems
H. B. 154	62	Credit unions
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S. B. 473	80	Law enforcement
H. B. 103	108	Probate Court
H. B. 104	109	Probate Court
S. B. 19	107	Probate Court
S. B. 335	67	Criminal procedure

H. B. 717      82

S. B. 71        8

All uncontested local bills.

The above specified bills shall be considered only during the hours of 11:00 a.m. and 2:30 p.m. It being understood and agreed that the bill being considered at 2:30 p.m. shall be carried over.

The unfinished business of the Senate as reflected by the Regular Calendar.

Be it further resolved that bills may be introduced at any time and Standing Committees be allowed to report out of order at any time during the day.

Which was adopted

On motion of Mr. Littleton, said Resolution, as thus amended, was adopted by the Senate.

#### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has compared the following enrolled Senate Bill and Senate Joint Resolutions with the original Senate Bill and Senate Joint Resolutions respectively, and finds same correctly enrolled, to-wit:

S. 161. To regulate the expense allowances in the Twenty-Fifth Judicial Circuit for circuit judges and the district attorney; and to make the provisions of this Act retroactive to January 16, 1977.

Also:

S. J. R. 276. MOURNING THE DEATH OF AUBURN CIVIC LEADER, ROBERT N. HOIT.

Also:

S. J. R. 280. OFFERING GOOD WISHES FOR A SUCCESSFUL CAREER FOR DAVID A. NIHART.

Also:

S. J. R. 286. CONGRATULATING MRS. ELIZABETH WHITMIRE.

Also:

S. J. R. 292. COMMENDING THE UNIVERSITY OF NORTH ALABAMA BASKETBALL TEAM.

Also:

S. J. R. 293. REQUESTING THE SECRETARY OF THE ARMY TO RECOMMEND TO PRESIDENT CARTER THE CONTINUATION OF THE TENNESSEE-TOMBIGBEE WATERWAY IN HIS REPORT ON OR BEFORE APRIL 15, 1977.

Also:

S. J. R. 295. COMMENDING NORMAN F. USSERY FOR MERITORIOUS SERVICE.

Also:

S. J. R. 296. COMMENDING MORRIS NELSON, A DEDICATED KIWANIAN.

Also:

S. J. R. 298. COMMENDING THE UNIVERSITY OF ALABAMA, HUNTSVILLE, BASKETBALL TEAM.

Also:

S. J. R. 299. COMMENDING THE UNIVERSITY OF ALABAMA, HUNTSVILLE, WIND ENSEMBLE.

OBIE J. LITTLETON,  
Acting Chairman.

#### SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bill and Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

#### REPORTS OF COMMITTEES

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and resolution and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Stewart and Fine:

S. J. R. 248. CREATING A JOINT SELECT PILOT STUDY COMMITTEE TO RESEARCH AND REPORT TO THE LEGISLATURE ON TREATMENT AND FACILITIES AVAILABLE TO DEVELOPMENTALLY DISABLED PERSONS IN ALABAMA.

By Mr. St. John:

S. 81. To reopen the Employees' Retirement System of Alabama for prior service for certain members in certain counties who are precluded from obtaining credit for such service for reasons other than non-membership; providing that as a prerequisite to such credit members must, on October 1, 1977, be an active and contributing member of the Employees' Retirement System of Alabama and in the active service of the employer for whom such prior service was rendered; and providing that employers participating in the retirement system shall pay such employer costs as are necessary with respect to their employees subject to this Act.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable



report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Powell (With Substitute):

S. 255. To provide that any teacher or employee of a public school system, the State Board of Education, the State Department of Education, State Senior Universities, State Junior Colleges, State Vocational Technical Colleges, or any other State educational institution or agency, shall continue to draw his full salary for a certain period when incapacitated as direct result of an on-the-job injury; to provide that payment of such benefits shall not exhaust his accumulated sick leave and to authorize standards for carrying out the provisions of this Act.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Fine:

S. 464. To provide that persons who served two or more years with the National Youth Administration during World War II shall be allowed to make certain contributions into the state retirement systems and shall have such service time credited as state service toward their retirements.

By Mr. Teague:

S. 564. To make a conditional appropriation to the Alabama Forestry Commission for the purpose of establishing a wildfire emergency fund; to provide for use of the fund; and to provide that the fund be replenished back to its original amount at the end of the fiscal year.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with amendment, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Owen (With Amendment):

S. 597. To further amend Section 11 of Act No. 422, H. 325 of the 1951 Regular Session (Acts 1951, p. 745), as last amended and reenacted, which section pertains to the Real Estate Commission Fund, so as to eliminate the requirement of limiting the expenditure of funds to the budgeted and allotted amount appropriated by the legislature.

By Mr. Owen (With Amendment):

S. 598. To further amend Sections 5, 10 and 11 of Act No. 422, H. 325 of the 1951 Regular Session (Acts 1951, p. 745) as last amended and reenacted, which Act pertains to qualifications for real estate broker and real estate salesmen licensees, so as to establish a "Real Estate Recovery Fund"; to provide procedural rights for aggrieved parties in certain real estate transactions and to provide for the termination of the license of any person against whom a judgment creates a claim against such fund; and to further provide for certain fees and the distribution thereof.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the

following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Powell (With Substitute):

S. 719. To amend Section 2 of Act No. 1218, H. 342, Regular Session of 1973 as amended by Section 1 of Act No. 1133, H. 1623, Regular Session of 1975 which relates to appropriation for the renovation, repair, refurbishing, and refurnishing to certain state buildings so as to permit the previously appropriated sum of Two Million Dollars to be used for both interior and exterior restoration of the State Capitol.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Shelby:

S. 722. To provide further for the compensation of the Director of the Legislative Reference Service.

By Mr. Shelby:

S. 723. To provide further for interstate cooperation; specifically to provide for a transfer of the duties, functions, jurisdiction, authority, property and effects of the Alabama Commission on Intergovernmental Cooperation, upon its termination, to the Legislative Council; to vest certain powers and authority in the Legislative Council; and to declare that the Council of State Governments shall continue to be a joint governmental agency of this State and of the other states which cooperate through it.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Manley, et al (With Amendment):

H. 351. To amend Section 46, Title 51, Code of Alabama 1940, relating to the assessment of taxes so as to further provide for estimating the value of taxable property.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with substitute, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Manley, et al (With Substitute):

H. 350. Proposing an amendment to further amend Article XI, Section 217, of the Constitution of Alabama 1901 relative to ad valorem taxation; further providing for the assessment of taxable property and the levy of such tax.

The above Bill was read at length a second time as required by the Constitution.

By Messrs. Folmar and Plaster (With Substitute):

H. 361. To amend further Section 91 of Title 36, Code of Alabama (1940), which authorizes the Director of the Highway Department to issue special permits for movement of certain oversized and overweight vehicles and loads on the state highway system and to collect fees for the issuance of such permit.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Callahan:

H. 126. To require a notification procedure for the issuance by counties, cities, towns, municipalities and public corporations of industrial revenue bonds under Act No. 178 enacted at the 1961 Extra Session of the Alabama Legislature (1961 Acts, p. 2147, et seq.), as amended (relating to industrial revenue bonds to be issued by counties), Act No. 756, enacted at the 1951 Regular Session of the Alabama Legislature (1951 Acts, p. 1307, et seq.) as amended (relating to industrial revenue bonds to be issued by municipalities), Act No. 648, enacted at the 1949 Regular Session of the Alabama Legislature (1949 Acts, p. 991, et seq.) as amended (relating to industrial revenue bonds to be issued by industrial development boards), Act No. 516, enacted at the 1955 Regular Session of the Alabama Legislature (1955 Acts, p. 1160, et seq.) as amended (relating to industrial revenue bonds to be issued by medical clinic boards), Act No. 4, enacted at the 1956 Second Special Session of the Alabama Legislature (1956 Acts, p. 240, et seq.), as amended (relating to industrial revenue bonds to be issued by certain municipalities to finance hotel and motel projects), Act No. 337 enacted at the 1971 Third Extra Session of the Alabama Legislature (1971 Acts, p. 4625, et seq.) (relating to industrial revenue bonds to be issued by certain municipalities to finance hotels and motels projects), to provide, in addition to their present functions and duties, the functions and duties of the Alabama Securities Commission and its Director (established under Act No. 740 enacted at the 1969 Regular Session of the Alabama Legislature, Acts of 1969, p. 1316, et seq. with respect to such industrial revenue bonds, to establish and provide for the membership, functions and duties of the State Industrial Revenue Bond Advisory Council; to authorize the issuance of stop orders by the Alabama Securities Commission and/or the Director delaying or prohibiting the issuance of industrial revenue bonds; to provide for certificates of notification by the Director, the effect of such certificate, and a remedy for failure or refusal of the Director to issue such certificates; to provide for the assessment of filing fees by the Securities Commission; to provide criminal penalties for willful violations of this act or stop orders issued thereunder; and to provide relief from stop orders of the Director by readoption by the governing body of the issuer of the authorizing proceedings, or from stop orders issued by the Alabama Securities Commission by judicial validation under Title 7, Section 169, et seq., Alabama Code of 1940, as amended (relating to the judicial validation of securities issued by counties, cities and towns) and Act No. 859 of the 1953 Regular Session of the Alabama Legislature (Acts of 1953, p. 1148, et seq. (relating to the judicial validation of securities issued by boards and public corporations) and as supplemented in this act for proceedings hereunder, and relief from stop orders of the Council by such judicial validation.

By Mr. Hill:

H. 338. To provide that the Administrative Director of Courts, with the approval of the Chief Justice, is authorized to appoint and employ not more than two confidential secretaries who shall serve at the pleasure of the Chief Justice; said secretary or secretaries shall be subject to the Merit System Act only as to pay plan, and shall be assigned to assist retired justices or judges who perform active duty for the Supreme Court or one or both of the courts of appeals.

Mr. Littleton, Acting Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Goodwin:

S. 520. To amend Section 1 of Act No. 437, S. 342, 1973 Regular Session (Acts of 1973, p. 629), entitled, "An Act to authorize the Division of Marine Resources of the Department of Conservation and Natural Resources to sell or barter for the purpose of establishing fishing reefs in offshore waters of Alabama certain liberty ships now in the custody of said Division for the benefit of the states of Alabama, Mississippi and Florida, creating a commission to oversee and direct the action of the Department of Conservation and Natural Resources under the provisions of this Act," so as to provide that any funds not used for the original purpose of the Act shall be used exclusively to establish artificial fishing reefs or construct, repair or maintain public boat landing sites in or on the coastal waters of the state.

Mr. St. John, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Lutz:

H. 152. To amend the Title, Section 1 and Section 2 of Act No. 539, H. 201, 1975 Regular Session (Acts of 1975, p. 1192) which provides that driver licenses and non-driver identification cards bear photographic likeness of the recipient, so as to require that emergency medical data also be placed on all driver licenses and non-driver identification cards.

By Mr. St. John:

S. 714. To amend Title 33, Section 64, Code of Alabama 1940 Recompiled 1958, relating to mechanic's liens and assignment thereof, so as to provide further for the transfer of such liens to security by a deposit of money or bond with the court.

By Mr. Jones:

S. 84. Relating to criminal procedure; to prescribe procedure whereby the trial judge in a case involving felonious injury to the person or property of another shall assess and render a judgement for the amount of monetary damages resulting therefrom; to provide that such judgment shall not be subject to any statute of limitations and to provide for an appeal of such judgment.

By Messrs. Smith (B), Lee, McCorquodale and Robertson:

H. 72. To make child abuse a criminal offense in Alabama; to define the offense of child abuse; and to prescribe the penalty to be imposed on any person found guilty of such offense.

By Mr. Adams:

S. 658. To amend Title 33, Section 37, Code of Alabama 1940, which declares and sets forth the Mechanics and Materialman's lien, so as to include Land Surveying and Engineering Services under the provisions of this lien statute.

By Mr. St. John:

S. 533. To provide that Alabama enter into the Interstate Agreement on Detainers Act, with other member-states, which promotes cooperation between the several states to secure a speedy trial of persons already incarcerated in other jurisdictions by the expeditious and orderly disposition of all detainers based on untried indictments, information or complaints; and to further provide for the uniform mandatory disposition of detainers so as to prescribe the manner and procedures for release of detainers available to incarcerated persons against whom there is pending untried indictments, information or complaints.

Mr. Mitchell, Chairman of the Standing Committee on Insurance, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Shelby:

S. 329. To amend Section 120 of Act 407, H. B. 198, Regular Session 1971, (Acts of Alabama 1971, Volume II, Page 774), as amended, which regulates the licensing of insurance agents, by imposing the requirement of satisfactory completion of a classroom pre-qualification course prior to taking the written examination as provided in Section 120, paragraph (8).

By Mr. Edwards:

S. 514. To require that any insurer under any liability policy doing business in this state shall be required to allege and prove that it has, in fact, been damaged or prejudiced by reason of a failure of cooperation or failure to notify on the part of the insured party as a condition precedent to relieving the insurer of its liabilities under the terms of the policy.

Mr. Mims, Chairman of the Standing Committee on Agriculture, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Mims:

S. 691. Relating to sales between merchants as defined by Act No. 549 Senate Bill 2 of the Regular Session of 1965, approved August 23, 1965; amending Section 2-104 (3) of that Act by adding thereto a provision that sales of crops by farmers to dealers, traders or brokers in agricultural commodities, and purchases of agricultural goods by farmers from merchants who deal in goods of that kind, are "between merchants" as defined by the Uniform Commercial Code of Alabama.

Mr. Roberts, Chairman of the Standing Committee on Local Government, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Ellis:

S. 686. To further amend Title 36, Section 19, Code of Alabama 1940 as amended, to designate the penalty for the unauthorized use of a blue lighted lamp or red lighted lamp on any motor vehicle and the penalty for the unauthorized sale of any such lighted lamps and the penalty for using any such lighted lamps in the commission of a crime.

By Mr. McDonald (A):

S. 730. To provide for the establishment and administration of certain regional legislative service offices.

By Mr. Campbell, et al:

H. 288. To validate, in certain cases, annexations heretofore held by municipalities.

By Mr. Campbell, et al:

H. 287. To validate in certain cases elections held in municipalities or counties on the question of authorizing any special taxes under the Constitution.

By Mr. Campbell, et al:

H. 286. To validate in certain cases municipal corporations attempted to be organized under the laws of Alabama which might be invalid because of any irregularity in the procedure for incorporation.

By Mr. Campbell, et al:

H. 285. To validate in certain cases elections heretofore held in municipalities or counties on the question of the issuance of bonds.

Mr. Roberts, Chairman of the Standing Committee on Local Government, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Little (With Substitute):

S. 670. To provide for the deposit by the various municipalities of this state of municipal funds in demand deposits and in time deposits, open account, in municipal depository banks, and providing a procedure to accomplish such deposits.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Baker:

S. 515. Relating to the 9th judicial circuit; to provide a salary

increase for the secretaries of the circuit judges; and to make the provisions of this act retroactive to January 1, 1977.

By Mr. Teague:

S. 517. To provide for a supplemental salary for the district attorney of the thirtieth judicial circuit, to be paid equally by the counties comprising such circuit; and to fix the amount and method of payment thereof.

By Mr. Jones:

S. 547. Relating to all counties having populations of not less than 125,000 nor more than 175,000 according to the most recent federal decennial census, to authorize and provide for an additional expense allowance for the sheriff of said counties.

By Mr. Edwards:

S. 651. Proposing an amendment to the Constitution of Alabama to abolish the office of constable in Morgan County.

The above Bill was read a second time at length as required by the Constitution.

By Mr. Mitchell:

S. 664. To provide an additional clerk hire allowance for the probate judge in all counties having a population of not less than 16,275 nor more than 16,575 according to the 1970 or any subsequent federal decennial census, giving this act retroactive effect.

By Mr. Mitchell:

S. 665. Relating to counties having populations of not less than 16,275 nor more than 16,575 according to the 1970 or any subsequent federal decennial census, establishing regular meeting dates for the county governing bodies of such counties, and providing retroactive effect.

By Messrs. Higginbotham and Little:

S. 677. Relating to all counties having populations of not less than 35,000 nor more than 38,000 inhabitants according to the 1970 or any subsequent federal decennial census, to authorize and provide for an additional expense allowance for the sheriff of any such county.

By Mr. Teague (with notice and proof):

S. 698. Relating to St. Clair County; prohibiting the use of any electronic amplifying device in hunting fox, and prescribing penalties.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Teague (with notice and proof) (With Amendment):

S. 708. To prohibit the use of steel traps and similar devices and prohibiting the sale of any pelts taken in St. Clair County, Alabama, and to prescribe the punishment for violation of this act.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. St. John (with notice and proof):

S. 713. Relating to Cullman County: to protect and preserve water purification and prevent water contamination by prohibiting strip mining of coal or other minerals in certain areas contiguous to Lewis Smith Lake in Cullman County; to prescribe penalties and sanctions for violations; and generally to promote the health and welfare of the inhabitants of Cullman County.

By Mr. Peden:

S. 727. Relating to counties having a population of not less than 65,500 nor more than 75,200 according to the 1970 or any subsequent federal decennial census; to designate Highway No. 14 in such county a state highway.

By Messrs. Smith (M) and Higginbotham (with notice and proof):

H. 438. Relating to Chambers County; providing for the reorganization of the county board of education and providing for election and length of term for the new members of such board.

By Messrs. Sparks and Crowe (with notice and proof):

H. 539. Relating to Winston County; providing for a county supplement for the district judge, and making the supplement retroactive to January 16, 1977.

By Messrs. Crowe and Sparks (with notice and proof):

H. 540. Relating to Winston County; providing that the district judge in such county may employ a secretary and establishing her salary; providing that such salary shall be paid from the county funds and shall be retroactive to January 16, 1977.

By Mr. Cross:

H. 764. Relating to any county having a population of not less than 27,000 nor more than 27,900 according to the 1970 or any subsequent federal decennial census; exempting all volunteer fire departments within any such county from the payment of all state, county and municipal sales and use taxes.

By Messrs. Kinsey and McMillan (with notice and proof):

H. 852. Relating to Baldwin County, to provide for the creation, incorporation, organization, operation, administration, and financing of one or more local public service districts within the county as public corporations so as to provide local fire fighting and prevention services; to provide for the fixing, levy and collection by such fire districts of rates, fees and charges for such services; to provide penalties for non-payment and liens upon the property within such districts; to provide for the borrowing of money and issuance of bonds and other obligations by or on behalf of such fire districts; providing that the qualified electors of any prospective fire district shall give their prior approval to the creation of



any such district as well as the rates, fees, charges, bond or other indebtedness thereto in an election thereon; to provide an election procedure for such voter approval; to prescribe the organization, rights, powers add duties of such districts; to prescribe limitations on such rights and powers, and to repeal conflicting laws.

By Messrs. Kinsey and McMillan:

H. 853. To propose an amendment to the Constitution of Alabama which, if approved by the electors of this state, would authorize the Legislature, by general or local law, to provide for the creation, incorporation, organization, operation, administration and financing of one or more local districts within Baldwin County as public corporations to provide fire fighting and prevention services; to provide for the fixing, levy and collection by such fire districts of rates, fees and charges for such services, penalties for non-payment and liens upon the property within such district; to provide for the borrowing of money and the issuance of bonds and other obligations by or on behalf of such districts; providing also that the qualified electors of any prospective fire district created by any law authorized by this proposed amendment shall give their prior approval to the creation of any such district or additions thereto and the rates, fees, charges, bond issue or other financing agreements thereto in an election thereon.

The above Bill was read a second time at length as required by the Constitution.

By Mr. Smith (J):

H. 876. Relating to counties having a population of not less than 21,000 nor more than 22,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide that the county commission in such counties may employ a secretary for the district court judge and to set said secretary's salary.

By Mr. Smith (J):

H. 877. Relating to counties having a population of not less than 21,000 nor more than 22,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide that the county commission in any such county may employ up to three additional assistants in the circuit clerk's office and to provide the salary for such employees.

By Mr. Smith (J):

H. 879. Relating to counties having a population of not less than 21,000 nor more than 22,000 according to the 1970 or any subsequent federal decennial census; to provide further for the salary and expense allowance of the superintendent of education.

By Messrs. Moore (O), Waggoner and Smith (C):

H. 912. To further amend the Title and Section 1 of Act No. 1740, H. 2581, Regular Session 1971 (Acts 1971, p. 2906), as amended, relating to expense allowances for certain officials in counties having a population of not less than 36,500 nor more than 39,200, so as to change the words "judges of county inferior courts" to the word "magistrate"; to make such allowances mandatory; and to give this act retroactive effect.

By Messrs. Merrill, Holmes (D), Quarles and Shelton:

H. 930. Relating to all counties having a population of not less than 95,000 nor more than 115,000 according to the 1970 or any subsequent federal decennial census; to reimburse the office of license commissioner for any monetary loss resulting from the performance of official duties for errors or mistakes made in good faith, not to exceed a maximum of twenty-five hundred dollars per annum.

By Messrs. Crowe and Sparks:

H. 938. Relating to any county having a population of not less than 16,600 nor more than 16,950 according to the 1970 or any subsequent federal decennial census; providing an expense allowance for the sheriff in any such county.

By Mr. McCluskey:

H. 944. To provide further for the selection of textbooks and instructional materials for use in the public schools in any county having a population of not less than 10,660 nor more than 10,900 according to the 1970 or any subsequent federal decennial census.

By Mr. McCluskey:

H. 946. Relating to counties having populations of not less than 10,660 nor more than 10,900, according to the 1970 or any subsequent federal decennial census; allowing the county governing bodies of such counties to prepare certain building sites and to build and maintain access roads provided any such access road joins a county or state road or highway.

Mr. Gilmore, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with amendments, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. White, et al (With Amendments):

H. 501. Relating to counties having populations of not less than 600,000 inhabitants; to authorize and provide for additional funds, if required, from the general funds of the county and each municipality located therein for the maintenance and operation of the County Department of Health, including, but not limited to, the employment of personnel, the acquisition of land, the erection, construction, extension, renewal, and repair of buildings or improvements thereon, which are related to or required by the prescribed duties of the County Health Officer; to repeal all conflicting statutes.

By Mr. White, et al (With Amendments):

H. 502. Relating to counties having populations of not less than 600,000 inhabitants according to the most recent federal census; to provide for funding for transit authorities in such counties by the county and certain municipalities in such counties; to repeal all conflicting statutes.

#### BILLS RE-REFERRED

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on

the following Bill, S. B. 574, and ordered same returned to the Senate with the recommendation that it be re-referred to another Committee.

And the President and Presiding Officer of the Senate ordered said Bill, S. B. 574, re-referred to the Standing Committee on Finance and Taxation.

### SPECIAL ORDER BILLS ON THIRD READING

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

H. 433. To amend further Code of Alabama 1940, Title 38, Section 77, as amended, which relates to the pay of pilots, by revising the schedule of pilots' fees.

And said Bill, H. B. 433, was read a third time at length and passed.

Yeas 29; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Jones, Little, Littleton, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, St. John, Shelby, Stewart, Teague, Waldrop, Wilson.

—29

*Nays:*

—0

The Bill:

S. 285. To amend Sections 32 and 33 of Title 18 of the Code of Alabama 1940, as amended, relating to electric cooperatives, so as to provide that such cooperatives may process, treat, sell and dispose of water and water rights; purchase, sell, lease, construct, own and operate water systems and sanitary sewer systems, supply water and sanitary sewer services, to exercise the power of eminent domain, to issue notes, bonds, mortgages and other evidences of indebtedness to finance such undertakings.

was taken up.

Mr. Mims offered the following amendment to the Bill, S. B. 285, to-wit:

#### AMENDMENT TO S. B. 285

Amend Line 20, et seq., of Senate Bill 285, Section 33, beginning Page 4, to read as follows:

“Title 19, Code of Alabama 1940, as amended, except that such power of eminent domain shall not extend to land previously dedicated to public use; to conduct its business and exercise any or all of its powers within or without this state; to adopt, amend, and repeal by-laws; and to do and perform any and all other acts and things, and to have and exercise any and all other powers which may be necessary, convenient, or appropriate to

accomplish the purpose for which the cooperative is organized or in which it subsequently lawfully engages.”

Which was adopted.

Yeas 28; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Jones, Little, Littleton, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Powell, St. John, Shelby, Teague, Waldrop, Wilson.

—28

*Nays:*

—0

And said Bill, S. B. 285, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 30; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, Little, Littleton, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, St. John, Stewart, Teague, Waldrop, Wilson.

—30

*Nays:*

—0

The Bill:

H. 154. To amend Section 290 and 291 of Title 28, Code of Alabama 1940, and Section 282 of Title 28, Code of Alabama 1940, as amended by Section 1 of Act No. 561, Regular Session 1975, Section 285 of Title 28, Code of Alabama 1940, as amended by Section 4 of Act No. 561, Regular Session 1975, all of which provide for credit unions in Alabama, so as to provide for an increased maximum of the par value of a share, to eliminate unnecessary language concerning loans, to elect a president who is an employee of the credit union and to remove statutory restrictions on the disbursement of loan funds.

was read a third time at length.

On motion of Mr. Jones, the Senate reconsidered the vote by which the Bill, H. B. 154, was ordered to its third reading.

Mr. Jones then offered the following amendment to the Bill, H. B. 154, to-wit:

#### AMENDMENT TO H. B. 154

Amend House Bill No. 154, Page 6, after Section 4 by adding new Section 5 as follows:

5. This act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Which was adopted.

Yeas 29; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Higginbotham, Jones, Little, Littleton, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Powell, St. John, Shelby, Stewart, Vacca, Waldrop, Wilson.

—29

*Nays:*

—0

And said Bill, H. B. 154, as thus amended, was read a third time at length and passed.

Yeas 29; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Jones, Little, Littleton, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Powell, St. John, Shelby, Stewart, Teague, Vacca, Waldrop.

—29

*Nays:*

—0

#### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I transmit herewith a Message from the Governor relative to the appointment to the Board of Pardons and Paroles.

Respectfully submitted,

HENRY B. STEAGALL, II,  
Executive Secretary.

Done this 31 day of March, 1977.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

At the request of the Honorable Tom Ventress, whom I have appointed to fill a vacancy on the Board of Pardons and Paroles, and whose name I have submitted to you for confirmation, I respectfully withdraw his name from consideration.

Respectfully,

GEORGE C. WALLACE,  
Governor.

## GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to removing the name of Mr. Ventress from consideration for confirmation to the Board of Pardons and Paroles, was read and ordered spread upon the Journal.

On motion of Mr. Owen, the Secretary was directed to return the Message containing the appointment of Mr. Ventress to His Excellency, the Governor.

## BILLS ON THIRD READING RESUMED

## The Bill:

H. 198. A bill to promote the public health of the State of Alabama by safeguarding the financial integrity of health care institutions against malpractice claims; to authorize the establishment, maintenance, administration and operation of any trust established by hospitals or health care units, licensed as such by the State of Alabama, as grantors and as beneficiaries, for the purpose of insuring against general public liability claims based upon acts or omissions of such hospitals or health care units, including without limitation, claims based upon malpractice; to amend Section 12 of Act No. 407, Acts of Alabama, 1971 Regular Session (Section 12, Title 28A, Alabama Code of 1940, as amended), and particularly Section 12 thereof so as to exempt such insurance trust operations from all of the provisions of that title and of the Alabama Insurance Code; to limit the obligations and liabilities of any hospital or health care unit participating in such a trust to the obligation to pay the contributions required of it by any trust agreement to while it is a party; and to provide that this act shall apply to and shall confer all rights, privileges, exemptions and immunities upon any trust established for the purposes contemplated by this act, and the grantors, members, beneficiaries, participants and trustees thereof, whether such trust was established before or after the effective date of this act.

was read a third time at length and passed.

Yeas 29; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, Little, Littleton, McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Roberts, St. John, Stewart, Teague, Vacca, Waldrop, Wilson.

— 29

*Nays:*

— 0

## The Bill:

S. 400. To further amend Section 11 of Act No. 492, General Acts of Alabama, Regular Session 1947; to provide that a non-resident contractor shall satisfy the Highway Department that it has paid all taxes due and payable to the State of Alabama or any political subdivision thereof prior to receiving final payment for contract work.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 30; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, Little, Littleton, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Powell, Roberts, Shelby, Teague, Vacca, Waldrop, Wilson.

—30

*Nays:*

—0

The Bill:

H. 103. To further amend Section 847 of Title 51 of the Code of Alabama 1940 as heretofore amended by extending each of the time limits set out in said Section 847 by an additional ten days.

was read a third time at length and passed.

Yeas 31; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, Little, Littleton, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—31

*Nays:*

—0

### INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows.

By Mr. Teague:

S. 757. To provide that any public corporation heretofore or hereinafter incorporated and existing under the provisions of Act No. 109, H. 148 of the 1961 Regular Session, as amended, (1961 Acts, p. 134; appearing in Code of Alabama 1940, Recompiled 1958, Title 22, Section 204 (41a) ), is authorized and empowered to lease any hospital, building or facility constructed and equipped under the provisions of such act to any public corporation or any non-profit corporation. No rights under the terms of any contract shall be abrogated nor shall any security for the fulfillment of any obligation be jeopardized by the provisions of this act.

Committee on Judiciary.

By Messrs. Teague, Owen, Powell, Mitchell, McDonald (A), Mims, Littleton, Bank, Clemon, McMillan, Pearson, Fine and Gilmore:

S. 758. To provide for the creation and establishment of the Alabama Fire Service Commission, and to provide for the membership of the Commission; to prescribe the powers and authority of the Commission; and to make appropriation therefor.

Committee on State Government.

By Mr. Wilson:

S. 759. Relating to all counties having a population of not less than 55,500 nor more than 56,500 according to the 1970 or any subsequent federal decennial census; to abolish all supplements and expense allowances for certain county officials and to set the salaries of such officials.

Committee on Local Legislation No. 1.

By Mr. Wilson:

S. 760. To amend further Section 136, Title 52, Code of Alabama 1940, relating to vacations and leaves of absence for employees of boards of education, so as to allow such employees to take vacations at any time of the year.

Committee on Education.

By Mr. Wilson:

S. 761. Relating to all counties having a population of not less than 55,500 nor more than 56,500 inhabitants according to the 1970 or any subsequent federal decennial census; providing further for the costs and charges in criminal cases in any court of such county.

Committee on Local Legislation No. 1.

By Mr. Wilson:

S. 762. To make an additional appropriation to the Office of the Attorney General from the General Fund.

Committee on Finance and Taxation.

By Messrs. Fine and Peden:

S. 763. To authorize and provide for maintenance by the State Highway Department of all roads and drives whether located on state-owned rights-of-way or not, which serve cemeteries, churches, mail routes and bus routes in any county having a population of not less than 23,900 nor more than 24,450 according to the 1970 or any subsequent federal decennial census.

Committee on Local Legislation No. 1.

By Messrs. Fine and Peden:

S. 764. To allow a corporate entity to prosecute or defend any civil action to which it is a party, without the assistance of legal counsel, before any small claims court in the state.

Committee on Judiciary.

By Mr. Gilmore:

S. 765. To amend Section 1 of Act No. 516 enacted at the 1955 Regular Session of the Legislature of Alabama, as heretofore amended, to provide that the term "clinical facilities," as defined in said Section 1 of said Act No. 516, shall include any retirement home, retirement apartments or other similar domiciliary facility to be used, operated and maintained either as a part of, or in conjunction with, any nursing home.

Committee on Health and Welfare.



By Mr. Gilmore (with notice and proof):

S. 766. To set the salaries of the President of the Commission or Board of Commissioners of the City of Bessemer and the members of such Commission or Board other than the President and to provide the method of payment.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 766, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Fine:

S. 767. Relating to all counties having populations of not less than 23,900 nor more than 24,450 inhabitants according to the 1970 or any subsequent federal decennial census; empowering the governing body of any such county to authorize the sheriff of the county to employ cooks at the county jail; empowering the governing body of any such county to fix the compensation of such cooks; providing for the payment thereof out of the county general fund and giving this act retroactive effect.

Committee on Local Legislation No. 1.

By Mr. King:

S. 768. To provide for an income tax credit for owners of single and multi family dwellings and of commercial buildings who totally or partially convert liquid and gaseous fossil fuel heating or cooling systems to solar, electric, coal or wood heating or cooling systems, or initially install such systems, and to residential owners who install additional insulation, or double glaze thermal or double glass thickness windows.

Committee on Finance and Taxation.

## BILLS ON THIRD READING RESUMED

The Bill:

S. 473. To provide for a law enforcement officers' bill of rights for all state, county and municipal law enforcement agencies in this state; defining certain rights of any officer accused of misconduct; providing for disciplinary hearings and adequate prior notice upon alleged misconduct of any officer; providing a uniform procedure for the composition of the complaint review boards of the various law enforcement agencies; providing that any law enforcement officer may bring civil suit for damages suffered while on official duty; providing for extra-ordinary emergency disciplinary action pending a full hearing on the allegations; providing that no officer may have disciplinary action taken against him by reason of exercising the rights granted hereby; providing for the receipt and processing of all written complaints; and providing sanctions by the district attorneys of state attorney by writ of injunction for noncompliance with the provisions of this Act; and repealing conflicting laws.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 28; Nays 2.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, Little, Littleton, McDonald (A), Miller, Mims, Mitchell, Owen, Peden, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—28

*Nays:* Messrs. Clemon, Pearson.

—2

The Bill:

H. 104. To further amend Section 712 of Title 51 of the Code of Alabama 1940 as heretofore amended so as to extend by ten days the time allowable for disbursing the money the probate judge receives in respect of motor vehicle licenses and registration fees and to extend by ten days the time allowable to the probate judge for forwarding to the Comptroller and the Department of Revenue a certified list of all motor vehicle licenses issued by the probate judge during the preceding month.

was read a third time at length and passed.

Yeas 30; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Gilmore, Goodwin, Jones, Little, Littleton, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—30

*Nays:*

—0

The Bill:

S. 19. Proposing an amendment to the Constitution of Alabama further amending Section 144, Article VI, of the Constitution of Alabama; providing for a Probate Court in each county, with general jurisdiction of orphans' business, and adoptions, and with power to grant Letters Testamentary, and of Administration and of Guardianships, and such further jurisdiction as may be provided by law.

was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House without engrossment.

Yeas 28; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Jones, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Powell, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—28

*Nays:*

—0

The Bill:

S. 401. To amend further Title 51, Section 21, Code of Alabama 1940, so as to provide a definition for heavy duty equipment and to provide that a tax lien shall attach to all heavy duty equipment brought into or situated in this state at any time of the year and to provide for the payment of an ad valorem tax to be computed on a quarterly basis on said equipment.

was taken up.

Mr. Teague offered the following amendment to the Bill, S. B. 401, to-wit:

AMENDMENT TO S. B. NO. 401

AMEND SECTION 1, SENATE BILL NO. 401, PAGE 6, LINE 25 BY INSERTING AFTER THE WORD 'ALL' THE FOLLOWING: "PROPERTY INCLUDING".

Which was adopted.

Yeas 27; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Little, Littleton, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Powell, Roberts, Shelby, Teague, Vacca, Waldrop, Wilson.

—27

*Nays:*

—0

Mr. Bank offered the following amendment to the Bill, S. B. 401, as amended, to-wit:

AMENDMENT TO S. B. 401, AS AMENDED

Amend Senate Bill No. 401 Page 6 Line 34, by inserting a period after the word "pounds" and by deleting the rest of that sentence.

Which was adopted.

Yeas 27; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Little, Littleton, McDonald (A), McMillan, Miller, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—27

*Nays:*

—0

And said Bill, S. B. 401, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Little, Littleton, McDonald (A), McMillan, Miller, Mims, Mitchell, Owen, Peden, St. John, Teague, Vacca, Wilson.

—22

*Nays:*

—0

The Bill:

S. 335. To provide that any defendant represented by counsel in a criminal case may enter a written plea of not guilty prior to his arraignment, and that such plea shall constitute a waiver of his right to have an arraignment at which he is present in person or represented in person by an attorney.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 30; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Little, Littleton, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—30

*Nays:*

—0

The Bill:

H. 717. To direct the Code Commissioner to correct an error which appears in Title 16, Chapter 13, Article 3, Section 16-13-56 of the Manuscript of the Code 1975, which was adopted by Act No. 20, H. 100 of the current session of the Legislature, the section of such manuscript which deals with the determination of the amount of local funds available for purposes of the minimum school program, in order to make this section correctly state the law on this subject.

was read a third time at length and passed.

Yeas 27; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Goodwin, Little, Littleton, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—27

*Nays:*

—0

The Bill:

S. 71. To amend the Alabama Civil Defense Act, Act No. 47, Regular Session 1955 (Acts 1955, p. 267, now appearing as Title 37A, Sections 19(66)-19(90), Code of Alabama, 1940, Recompiled 1958), so as to

authorize state grants for local civil defense and emergency preparedness programs.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 28; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Goodwin, Higginbotham, Jones, Little, Littleton, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—28

*Nays:*

—0

Mr. Waldrop moved that the Senate reconsider the vote by which the Bill, S. B. 71, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

The Bill:

S. 167. To validate the incorporation of public corporations attempted to be organized pursuant to Act No. 107 adopted at the 1965 First Special Session of the Legislature of Alabama, as heretofore amended, and amendments to the certificate of incorporation of such corporations.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 28; Nays 0.

Abstaining 1.

*Yeas:*

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, Little, Littleton, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, St. John, Shelby, Stewart, Teague, Vacca, Waldrop.

—28

*Nays:*

—0

*Abstaining:* Mr. Wilson.

—1

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 433. To amend further Code of Alabama 1940, Title 38, Section 77, as amended, which relates to the pay of pilots, by revising the schedule of pilots' fees.

JOHN W. PEMBERTON,  
Clerk.

## SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

## BILLS ON THIRD READING RESUMED

## The Bill:

H. 47. To provide for additional times when real property may be returned and valued for ad valorem tax purposes in all counties having a population of not less than 115,000 nor more than 150,000 according to the 1970 or any subsequent federal decennial census.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Edwards, Ellis, Gilmore, Jones, King, Little, Littleton, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Powell, Roberts, Shelby, Teague, Vacca, Wilson.

—25

*Nays:*

—0

## The Bill:

H. 782. Relating to Cleburne County; to change the method of compensating the judge of probate, the tax assessor, and the tax collector; to fix the compensation of each of such officers; and to make the act retroactive as to the judge of probate.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Goodwin, Jones, King, Little, Littleton, McDonald (A), McMillan, Miller, Mims, Noonan, Owen, Peden, Perry, Powell, Roberts, St. John, Stewart, Vacca, Waldrop.

—25

*Nays:*

—0

## The Bill:

S. 540. To re-enact and to amend further Act No. 519, H. 1172 of the 1975 Regular Session (Acts of Alabama, 1975, Vol. II, p. 1165), which relates to the power of boards of education in counties having populations of not less than 90,000 nor more than 100,000 inhabitants, to borrow money for capital outlay purposes, so as to delete provisions in such acts relative to the distribution of the revenues derived from the tax on malt or brewed beverages and the provisions for establishment of an advisory

council, and to regulate further the procedure for obtaining loans and the time within which the loan must be repaid.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Clemon, Ellis, Fine, Gilmore, Goodwin, Jones, King, Little, Littleton, McDonald (A), McMillan, Miller, Mims, Noonan, Owen, Peden, Perry, Powell, St. John, Shelby, Stewart, Teague, Waldrop.

—25

*Nays:*

—0

The Bill:

S. 165. To regulate the expense allowances in the Twenty-Fifth Judicial Circuit for circuit judges and the district attorney; and to make the provisions of this Act retroactive to January 16, 1977.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Bank, Clemon, Edwards, Fine, Goodwin, Jones, King, Little, Littleton, McDonald (A), McMillan, Miller, Mims, Mitchell, Owen, Pearson, Peden, Perloff, Perry, St. John, Stewart, Teague, Vacca, Wilson.

—25

*Nays:*

—0

The Bill:

S. 304. To amend further Code of Alabama, 1940, Title 37, Section 10, which relates to the incorporation of unincorporated municipalities in order to provide specifically for the incorporation of unincorporated communities on islands in counties having populations of not less than 300,000 nor more than 600,000 according to the 1970 or any subsequent federal decennial census.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, S. B. 304, to-wit:

#### COMMITTEE AMENDMENT TO S. B. 304

Amend Senate Bill No. 304, page 1, line 34, by striking out the words "twenty-five" after the word "than" on line 33 and before the word "qualified" on line 34 and insert the words "fifteen percent of the" in lieu thereof.

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, McDonald (A), McMillan, Miller, Mims, Noonan, Pearson, Perloff, Powell, Roberts, Shelby, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

And said Bill, S. B. 304, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, McDonald (A), McMillan, Miller, Mims, Noonan, Pearson, Perloff, Powell, Roberts, Shelby, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

S. 555. Relating to all counties having populations of not less than 41,750 nor more than 45,000 according to the 1970 or any subsequent federal decennial census; further regulating the salary of the members of the board of equalization, board of registrars and jury commission in each such county.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Jones, King, Little, Littleton, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perry, Roberts, Shelby, Stewart, Vacca, Wilson.

—25

*Nays:*

—0

The Bill:

S. 594. Proposing an amendment to the Constitution of Alabama relating to the consolidation of county offices in Pickens County.

was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.



*Yeas:*

Messrs. Adams, Bank, Edwards, Ellis, Fine, Gilmore, Goodwin, Jones, King, Little, Littleton, McDonald (A), McMillan, Miller, Mims, Noonan, Owen, Peden, Perloff, Perry, St. John, Shelby, Teague, Vacca, Wilson.

—25

*Nays:*

—0

The Bill:

S. 595. To validate the elections held in Pickens County, Alabama, on October 28, 1975, and actions taken pursuant thereto.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Edwards, Fine, Gilmore, Goodwin, Higginbotham, Jones, Little, Littleton, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Pearson, Perloff, Perry, Powell, Roberts, Stewart, Teague, Vacca, Wilson.

—25

*Nays:*

—0

The Bill:

S. 615. To repeal Section 8 of Act No. 1695, H. 2263, 1971 Regular Session (Acts of 1971, p. 2852), entitled, "An Act Relating to all counties having a population of not less than 65,500 nor more than 75,200 inhabitants according to the most recent or any subsequent federal decennial census, to create a Civil Service Board in said counties to assure the more efficient operation of the Sheriff's Department; to provide for the composition powers, duties, and compensation for such boards; and to establish certain employee management policies for the Sheriff's Department in said counties."

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Bank, Clemon, Ellis, Fine, Gilmore, Jones, King, Little, Littleton, McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perry, Powell, St. John, Shelby, Stewart, Teague, Vacca, Wilson.

—25

*Nays:*

—0

The Bill:

H. 371. To amend Section 4 of Act No. 1103, S. 834, of the 1973 Regular Session (Acts 1973, Vol. III, p. 1867), which act relates to the office of clerk-secretary to each circuit judge of the Thirty-eighth Judicial

Circuit, so as to further regulate the salary of said clerk-secretary; and to make the effect of its provisions retroactive to October 1, 1976.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Jones, King, Little, Littleton, McMillan, Miller, Mims, Noonan, Owen, Perloff, Perry, Powell, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—25

*Nays:*

—0

The Bill:

H. 437. Relating to the governing body of Chambers County; amending Sections 1 and 2 of Act No. 475, H. 304, Regular Session 1973 (Acts of 1973, p. 689), which act creates the county commission of Chambers County in lieu of the court of county commission of such county; so as to provide further for the rearrangement of commissioner's districts and for the election, terms and qualifications of the commissioners.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Higginbotham, Little, McMillan, Miller, Mims, Mitchell, Owen, Pearson, Perry, Powell, Roberts, St. John, Shelby, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 439. To provide for purging the lists of registered voters in Chambers County; requiring and prescribing the procedure for the re-identification of registered voters; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the re-identification of registered voters; and providing a penalty for willfully making a false statement in connection with re-identification.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Gilmore, Higginbotham, Little, McDonald (A), Miller, Mims, Noonan, Owen, Pearson, Perloff, Perry, Powell, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 556. To prohibit the killing of any fox except in the course of hunting on horseback or if the animal is caught committing or attempting to commit depredation to livestock or poultry or is a menace to the health and safety of a human being, in any county having a population of not less than 50,000 nor more than 52,500 inhabitants according to the 1970 or any subsequent federal decennial census.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Jones, King, Little, Littleton, McMillan, Miller, Mims, Mitchell, Noonan, Owen, Perloff, Perry, Powell, St. John, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 602. Relating to Chambers County: to provide the Chambers County Commission with authority to employ appraisers, mappers, clerical personnel and other personnel to maintain current evaluation of all real property and valuation of personal property.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Ellis, Fine, Gilmore, Higginbotham, Little, McDonald (A), Miller, Mims, Mitchell, Noonan, Owen, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 651. Relating to all counties having populations of not less than 115,000 nor more than 150,000 according to the 1970 or any subsequent federal decennial census; authorizing the Alabama Alcoholic Beverage Control Board to permit the sale of draft or keg beer in said county.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment, to-wit:

COMMITTEE AMENDMENT TO H. B. 651

Amend H. 651 as follows:

a. Delete the word anywhere where it appears in Section 1 and

substitute in its place the words: within corporate limits or police jurisdiction of an incorporated municipality.

b. Change Title 19 in Section 1 to read Title 29.

Which was adopted.

Yeas 25; Nays 0.

Abstaining 2.

*Yeas:*

Messrs. Adams, Bank, Ellis, Gilmore, Jones, King, Little, McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

*Abstaining:* Messrs. Baker, Edwards.

—2

And said Bill, H. B. 651, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

Abstaining 2.

*Yeas:*

Messrs. Adams, Bank, Ellis, Gilmore, Jones, King, Little, McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

*Abstaining:* Messrs. Baker, Edwards.

—2

The Bill:

H. 617. To provide for the compensation of the chairman and members of the Waterworks Boards of any city having a population of not less than 18,250 nor more than 19,250 inhabitants according to the most recent or any subsequent federal decennial census; and to make the provisions of this act retroactive to October 1, 1976.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Clemon, Ellis, Fine, Gilmore, Higginbotham, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Owen, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

**The Bill:**

H. 652. Relating to counties having a population of not less than 24,000 nor more than 24,800 inhabitants according to the 1970 or any subsequent federal decennial census; to provide additional compensation for the Board of Registrars in an amount to be set by the County Commission, within certain limits; to make the provisions of this act retroactive.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Goodwin, Jones, King, Little, McDonald (A), McMillan, Miller, Mitchell, Owen, Pearson, Peden, Perry, Powell, St. John, Shelby, Stewart, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

**The Bill:**

H. 671. To provide the county commission in all counties having a population of not less than 21,000 nor more than 22,000 inhabitants according to the 1970 or any subsequent federal decennial census, with authority to employ appraisers, mappers, and clerical personnel to maintain current evaluation of all real property and valuation of personal property within the county.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Gilmore, Jones, King, Little, McDonald (A), Miller, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Stewart, Teague, Vacca, Wilson.

—25

*Nays:*

—0

**The Bill:**

H. 742. Relating to Morgan County and to enable Morgan County to make contributions and to provide for liability insurance, to volunteer rural fire departments organized according to law in Morgan County, Alabama and to provide life and accident insurance to the members of such organizations.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Fine, Gilmore, Goodwin, Jones, King, Little, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Powell, St. John, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

## The Bill:

H. 743. Relating to Morgan County; to direct the judge of probate to transfer all records and lists in his custody relating to electors and voting to the board of registrars of Morgan County and to direct the board of registrars to supply to the probate judge from time to time such transferred information as may be necessary to the fulfillment of his lawful duties; and to repeal conflicting laws.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Fine, Gilmore, Goodwin, Jones, King, Little, Littleton, McMillan, Miller, Mims, Noonan, Owen, Peden, Perloff, Perry, Powell, St. John, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

## The Bill:

S. 612. To amend further Section 10 of Act No. 651, S. 524, Regular Session 1976, which relates to the qualifications, election, compensation and duties of the coroner of any county having a population of not less than 300,000 nor more than 600,000, according to the 1970 or any subsequent Federal decennial census.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, S. B. 612, to-wit:

## COMMITTEE AMENDMENT TO S. B. 612

Amend S. B. 612 by adding the following words after the word "coroner" and before the word "shall" on line 27, page 1, viz:

if a qualified practicing physician, or a practicing physician designated by the coroner for the purpose,

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Gilmore, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Noonan, Pearson, Perloff, Powell, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

And said Bill, S. B. 612, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Gilmore, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Noonan, Pearson, Perloff, Powell, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

S. 620. To authorize the board of education of Etowah County to borrow money for capital outlay purposes for the county school system and to pledge to the repayment thereof the revenues derived from the county tax on the sale of malt or brewed beverages in the county; to regulate the procedure for obtaining loans and the use of the proceeds thereof; to prescribe the time within which the loan must be repaid; and to provide for the payment of any outstanding indebtedness should the county cease, at any time in the future, to be a "wet" county.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Bank, Clemon, Edwards, Ellis, Fine, Goodwin, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Noonan, Owen, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Teague, Waldrop.

—25

*Nays:*

—0

The Bill:

S. 621. To amend Act No. 1024, S. 431, Regular Session 1973 (Acts 1973, p. 1561) relating to county supplemental payments to retired or supernumerary circuit judges of certain judicial circuits, so as to specifically exempt the twenty-third (23rd) judicial circuit from the provisions of the act.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, King, McDonald (A), Miller, Mims, Mitchell, Owen, Pearson, Peden, Perloff, Perry, Powell, Roberts, St. John, Shelby, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

S. 638. To provide for a supplemental salary for the circuit judges of the Fourteenth Judicial Circuit, to be paid by the county comprising such circuit; and to fix the amount and method of payment thereof.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Goodwin, Jones, King, Little, Littleton, McMillan, Miller, Mims, Mitchell, Noonan, Owen, Perloff, Perry, Powell, St. John, Stewart, Teague, Vacca, Wilson.

—25

*Nays:*

—0

The Bill:

S. 641. Relating to Baldwin County; providing for a more convenient and economical system of serving notices to delinquent taxpayers.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Bank, Edwards, Ellis, Fine, Gilmore, Goodwin, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Owen, Peden, Perry, Powell, Roberts, Shelby, Stewart, Teague, Vacca, Wilson.

—25

*Nays:*

—0

The Bill:

S. 619. To repeal Act No. 736, H. 1821, Regular Session 1973 (Acts 1973, p. 1096), relating to county supplemental salaries for retired or supernumerary circuit judges of the twenty-third judicial circuit.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, King, McDonald (A), McMillan, Miller, Mims, Noonan, Owen, Pearson, Peden, Perry, Powell, Roberts, St. John, Shelby, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

S. 642. Proposing an amendment to the Constitution of Alabama relating to the abolition of the offices of Tax Assessor and Tax Collector in Pickens County and for the consolidation of the duties of said offices into a new office.

was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House without engrossment.



Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Edwards, Ellis, Fine, Gilmore, Goodwin, Jones, King, Little, Littleton, McMillan, Miller, Mims, Noonan, Owen, Peden, Perloff, Perry, Powell, Shelby, Stewart, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

S. 645. Relating to all counties having a population of not less than 18,500 nor more than 20,500 inhabitants according to the 1970 or any subsequent federal decennial census; to provide for a certain clerk hire allowance for the Tax Assessor and Tax Collector of such counties.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Edwards, Ellis, Fine, Gilmore, Goodwin, Jones, King, Little, Littleton, Miller, Mims, Noonan, Owen, Peden, Perloff, Perry, Powell, Roberts, St. John, Stewart, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

S. 692. Relating to Limestone County; granting the tax collector of such county an additional 10 days in November in which to effect the disbursement of taxes as required by Title 51, Section 223, Code of Alabama, 1940.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Ellis, Fine, Gilmore, Goodwin, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Noonan, Owen, Pearson, Perry, Powell, Roberts, Shelby, Stewart, Teague, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

S. 703. Relating to Monroe County; providing for a monthly expense allowance for county commissioners of Monroe County.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Goodwin, Jones, King, Little, McMillan, Mims, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 300. Amending Section 1 of Act No. 16, H. 17 of the 1975 Second Special Session (Acts 1975, Vol. I, p. 127), relating to all counties having populations of not less than 26,725 nor more than 27,250 inhabitants according to the 1970 or any subsequent federal decennial census; providing for clerical assistance of the tax assessor and tax collector in such counties, so as to provide that any cost of living increase for county employees automatically shall be applicable to them, retroactively to October 1, 1975.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Gilmore, Jones, King, Little, McMillan, Miller, Mims, Noonan, Owen, Peden, Perloff, Perry, Powell, Roberts, Shelby, Stewart, Teague, Vacca, Wilson.

—25

*Nays:*

—0

The Bill:

H. 405. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Blountsville, in Blount County.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Jones, King, Little, McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Powell, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—25

*Nays:*

—0

The Bill:

H. 412. Relating to county health officers or administrators in counties having populations of not less than 57,000 nor more than 61,000 inhabitants according to the 1970 or any subsequent federal decennial

census, authorizing such persons to issue official death certificates; and providing penalties for violation of this Act.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Goodwin, Jones, King, Little, McMillan, Miller, Mims, Owen, Peden, Perloff, Perry, Powell, Roberts, St. John, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 628. Relating to Blount County; to authorize the county commission, within its sole discretion, to employ and set the salaries of such clerical assistants as the tax assessor, tax collector and probate judge may recommend for their respective offices.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, H. B. 628, to-wit:

#### COMMITTEE AMENDMENT TO H. B. 628

Amend H. 628, Section 1, line 25 by adding the following: "This act shall become effective regarding each of these offices at such time these officials are placed on salary".

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Gilmore, Goodwin, Jones, King, Little, McMillan, Miller, Mims, Noonan, Owen, Pearson, Perry, Powell, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—25

*Nays:*

—0

And said Bill, H. B. 628, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Gilmore, Goodwin, Jones, King, Little, McMillan, Miller, Mims, Noonan, Owen, Pearson, Perry, Powell, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—25

*Nays:*

—0

The Bill:

H. 666. Relating to all counties having a population of not less than 57,000 nor more than 61,000 inhabitants according to the 1970 or any subsequent federal decennial census; providing for an additional expense allowance for the probate judge, tax assessor, tax collector, county commissioners and sheriff.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Jones, King, Little, McMillan, Miller, Mims, Mitchell, Owen, Peden, Perloff, Perry, Powell, Roberts, Shelby, Stewart, Teague, Vacca, Wilson.

—25

Nays:

—0

The Bill:

H. 727. To alter or rearrange the boundary lines of the town of Cedar Bluff, Cherokee County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Cedar Bluff, Alabama.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Clemon, Ellis, Fine, Gilmore, Goodwin, Jones, King, Little, McMillan, Miller, Mims, Mitchell, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Teague, Waldrop.

—25

Nays:

—0

The Bill:

H. 729. To provide for the night hunting and taking of raccoons and opossums with the use of a light and/or shotgun using shot no larger than number eight, or with a 22-caliber rimfire rifle using 22-caliber-short ammunition in all counties having a population of not less than 10,660 nor more than 10,900 inhabitants according to the 1970 or any subsequent federal decennial census.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Goodwin, Jones, King, Littleton, Miller, Mims, Mitchell, Noonan, Owen, Perloff, Perry, Powell, Roberts, St. John, Shelby, Teague, Vacca, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

H. 744. To amend Section 2 of Act No. 908, H. 1692, Regular Session 1971 (Acts 1971, p. 1672), which act provides for a contingent fund for certain counties classified on a population basis, so as to provide certain traveling expenses to county officials.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, H. B. 744, to-wit:

COMMITTEE AMENDMENT TO H. B. 744

Amend H. B. 744 on page 2, by inserting at the end thereof after the word "direct," the following:

"The provisions of this act notwithstanding, there shall be no reimbursement for expenses or mileage made to members of the Alabama Legislature by the county governing body."

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Fine, Gilmore, Goodwin, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Owen, Peden, Perloff, Perry, Powell, St. John, Stewart, Teague, Vacca, Wilson.

—25

*Nays:*

—0

And said Bill, H. B. 744, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Fine, Gilmore, Goodwin, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Owen, Peden, Perloff, Perry, Powell, St. John, Stewart, Teague, Vacca, Wilson.

—25

*Nays:*

—0

The Bill:

H. 836. To alter or rearrange the boundary lines of the City of Satsuma, Mobile County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory contiguous thereto, in Mobile County, Alabama.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore,

Goodwin, Jones, King, Little, McMillan, Miller, Mims, Noonan, Owen, Perloff, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 849. Relating to Limestone County; giving the county governing body certain powers in regard to maintaining roads and rights-of-way leading to homes or residences on private property.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Stewart, Teague, Vacca, Wilson.

—25

*Nays:*

—0

The Bill:

H. 850. Relating to Limestone County; to authorize the county commission to appropriate an amount not to exceed \$3,000 in their annual budget for industrial promotion.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Jones, King, Little, McDonald (A), Miller, Mims, Noonan, Owen, Peden, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Wilson.

—25

*Nays:*

—0

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Kinsey and McMillan:

H. 1059. Relating to counties having populations of not less than 57,000 nor more than 61,000 inhabitants according to the 1970 or any subsequent federal decennial census; so as to provide for the regulation of the construction of water wells, within counties to which this act applies, to provide for the licensing of water well drillers, to provide for the promulgation and publication of rules and regulations to effectuate the provisions of this act, creating boards to be known as the County Water

Well Standards Boards, to provide for the qualification, appointment and removal of board members and the filling of vacancies and fixing their tenure of office, providing penalties for violation of this act, and repealing conflicting laws.

Also:

By Messrs. Holmes (D), Merrill, Shelton and Quarles (with notice and proof):

H. 1033. To amend Act No. 384, H. 946, 1969 Regular Session (Acts 1969-70, p. 754) which act establishes a civil service system for certain Calhoun County employees, so as to modify the provisions of the act relating to prohibited political activities.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1033, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Messrs. Venable and Plaster (with notice and proof):

H. 997. To amend further Section 2 of Act No. 47, H. 100, Special Session 1962 (Acts 1962, p. 63), entitled "An Act To change the method of compensating certain officers of Elmore County, placing such officers on a salary basis and providing for the operation of their offices on such basis," so as to authorize additional clerical help for certain officers.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 997, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Messrs. Jackson (F), Holley and Smith (J):

H. 1021. Relating to all counties having a population of not less than 34,000 nor more than 34,800 inhabitants according to the 1970 or any subsequent federal decennial census, to provide for the appointment of a county engineer and to prescribe his qualifications and duties.

Also:

By Messrs. Brindley, Ford, Rich and Taylor (with notice and proof):

H. 1043. To permit banks now or hereinafter situated in, or having a branch in, Etowah County to establish, maintain and operate branch banks and branch offices within the limits of said county for the conduct of a general banking and trust business; and to repeal conflicting laws.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1043, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Messrs. Robertson, Johnson, Howard and Owens (with notice and proof):

H. 1058. To amend and reenact Act No. 1248, H. 1567 of the Regular Session of 1969 (Acts of 1969, p. 2349), so as to incorporate into such act provisions authorizing each of the several governing bodies forming the Tuscaloosa County Park and Recreation Authority to withdraw therefrom and regulating such withdrawals; and to give such amendments retroactive effect.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1058, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Messrs. Turnham and Whatley:

H. 1035. To amend the title and sections 2 and 3 of Act No. 481, H. 1193, 1976 Regular Session (Acts of 1976, p. 597), entitled "To regulate the registration and identification of certain trailers in all counties having a population of not less than 60,000 nor more than 65,000 inhabitants according to the 1970 or any subsequent federal decennial census and prescribe penalty for violations", so as to change the method of identification, to increase the penalty for failing to pay registration fee at the proper time, to provide for the allocation of revenue received from such penalty, to replace the term house trailer with mobile home and to properly number the sections.

Also:

By Mr. Manley:

H. 1030. Proposing an amendment to the Constitution of Alabama authorizing the incorporation in Marengo County of port authorities for the purpose of the development and commercial use of the inland waterways in such county.

Also:

By Messrs. Hill, Greer and Coburn:

H. 508. To authorize any city in the State of Alabama having a population of 34,000 or more according to the last or any subsequent federal census to plan, establish, develop, acquire, construct, enlarge, improve, maintain, equip, operate, regulate and protect any building, structure, land, right of way, equipment or instrumentality used or useful in connection with construction, equipping, development, maintenance or operation of any area or building for off-street parking of motor vehicles (defined as parking facilities), to finance the cost of parking facilities in whole or in part by the issuance of bonds, warrants, notes or other evidences of indebtedness and pledge to the payment thereof its full faith and credit and any tax, license or revenues which the city may then be authorized to pledge to the payment of bonded or other indebtedness; to lease or let parking facilities or any one or more of them to such tenant or tenants for such periods and for such compensation or rental and on such conditions as the governing body of the city may prescribe; to fix,



establish, collect and alter parking fees, tolls, rents and other charges for the use of any parking facility; to make and enforce rules and regulations governing the use of any parking facility owned or operated by the city and to execute such contracts and other instruments and to take such other action as the governing body of the city may deem necessary or convenient in connection with parking facilities.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 1059, 1033, 997, 1021, 1043, 1058, 1035, 1030 and 508. To the Committee on Local Legislation No. 1.

(The above numbered Bill, H. B. 1030, was read at length as required by the Constitution.)

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Crawford and Sasser:

H. 968. To fix and regulate the payment of the compensation and expenses of members of the county board of education of every county which has a population of not less than 13,200 nor more than 13,400.

Also:

By Messrs. Crawford and Sasser:

H. 969. Relating to counties having a population of not less than 13,200 nor more than 13,400 according to the most recent federal decennial census; fixing the compensation of the superintendent of education in such counties.

Also:

By Mr. McNees:

H. 1011. To further amend Section 1 of Act No. 97, H. 105, Special Session 1966 (Acts 1966, p. 132), as amended, which regulates the compensation of election officers in counties having a population of not less than 14,000 nor more than 15,000 inhabitants according to the 1970 or any subsequent federal decennial census.

Also:

By Mr. McNees:

H. 1012. To amend further Section 1 of Act No. 66, H. 32, Special Session 1964 (Acts 1964, p. 87), as amended, which regulates the compensation of election officers in counties having a population of not less than 16,245 nor more than 16,300 inhabitants according to the 1970 or any subsequent federal decennial census.

Also:

By Mr. Cross:

H. 1080. To repeal Act No. 714, H. 1116 of the Regular Session of 1976, entitled "An Act To apply only in counties having a population of not less than 27,000 nor more than 27,900 according to the 1970 or any subsequent federal decennial census, fixing the expense allowance of the civil defense coordinator"; and to give this act retroactive effect.

Also:

By Mr. McNeese:

H. 1096. Relating to counties having a population of not less than 14,000 nor more than 15,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide certain county officials of such counties with additional allowances.

Also:

By Mr. Owens (with notice and proof):

H. 1100. Relating to Bibb County; amending the title and Section 4 of Act No. 1381, H. 2294 of the 1971 Regular Session (Acts 1971, Vol. III, p. 2327), as amended, which act pertains to the governing body of the county, so as to reflect matters of compensation in the title and to increase the monthly expense allowance of certain commissioners, payable from the county treasury.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1100, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Mrs. Quarles:

H. 1104. Relating to all counties having a population of not less than 27,900 nor more than 33,500 according to the 1970 or any subsequent federal decennial census; to provide that all county road employees in such counties shall receive a \$100 per month salary increase paid out of the county general fund.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 968, 969, 1011, 1012, 1080, 1096, 1100 and 1104. To the Committee on Local Legislation No. 1.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 238. To create the office of county historian in all counties of this state having a population of not less than 60,000 nor more than 65,000 inhabitants, according to the 1970 or any subsequent federal decennial census; to provide for compensation and the method of appointment, and to prescribe the duties.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Smith (M):

H. 1065. Relating to all counties having a population of not less than 35,000 nor more than 38,000 inhabitants according to the 1970 or any subsequent federal decennial census; providing for a salary increase for certain county officers.

Also:

By Messrs. Smith (M) and Turnham (with notice and proof):

H. 1074. To authorize the county governing body of Chambers County to create a contingency fund out of the funds of the county treasury not otherwise encumbered.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1074, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Messrs. Carothers, Crawford and Smith (J):

H. 991. To provide further for the election of a County Board of Education and a County Superintendent of Education for all counties having populations of not less than 56,500 nor more than 59,000 inhabitants according to the 1970 or any subsequent federal decennial census.

Also:

By Mr. Hines:

H. 1003. Relating to counties having a population of not less than 34,875 nor more than 36,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide for the transfer of certain funds in the county road and bridge fund to the county general fund.

Also:

By Mr. McCluskey:

H. 945. Relating to all counties having populations of not less than 65,000 nor more than 68,000 inhabitants according to the 1970 or any subsequent federal decennial census; to amend Section 1 of Act No. 1252,

1973 Regular Session (Acts of 1973, p. 2099), entitled "An Act Relating to all counties having populations of not less than 65,000 nor more than 68,000; providing further for the salaries of bailiffs appointed by any circuit judge of the judicial circuit in which such county lies;" so as to increase the compensation of bailiffs appointed by any circuit judge of the judicial circuit in which such county lies.

Also:

By Mr. Wyatt:

H. 648. To amend further Section 3 of Act No. 1945, H. 584, Regular Session 1971 (Acts 1971, p. 3143), as last amended, which provides for and regulates the employment of county engineers so as to provide that the county engineer in certain counties need not be qualified as a land surveyor in order for the State Highway Department to participate in the payment of a portion of the county engineer's salary.

Also:

By Mr. Wyatt:

H. 860. Relating to all counties having a population of not less than 150,000 nor more than 180,000 inhabitants according to the 1970 or any subsequent federal decennial census; fixing the total compensation, including expense allowances, for the sheriffs in such counties, payable out of the general fund of such counties.

Also:

By Messrs. Barron, Wyatt, Harris, Plaster and Lewis:

H. 1102. To amend Section 3.09 of Act No. 618, H. 796, 1973 Regular Session of the Legislature (Acts 1973, p. 879), relating to the Mayor-Council form of government in cities with a population of not less than 70,000 nor more than 135,000 inhabitants according to the 1970 or any subsequent federal decennial census, so as to provide further for vacancies in the councils of such cities.

Also:

By Mr. Wyatt (with notice and proof):

H. 1048. To amend Section 4 of Act No. 356 of the 1973 Session of the Alabama Legislature to allow a former member of the Montgomery County retirement system who becomes reemployed by the County to repay his withdrawn funds and have his previous creditable service restored.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1048, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Mr. McCorquodale:

H. 932. To provide that the clerk of the court collecting solicitor's or district attorney's fees in the first judicial circuit shall place such fees into a Judges' and District Attorney's Fund; to provide that all monies in any

solicitor's or district attorney's fund in the circuit shall be paid immediately into the Judges' and District Attorney's Fund; and to authorize certain expenditures from such fund.

Also:

By Messrs. Smith (M) and Turnham (with notice and proof):

H. 1024. To authorize the Chambers County Commission to regulate the minimum size of lots and the planning and construction of all public streets, public roads, and drainage structures located or to be located in subdivisions of land situated outside the corporate limits of any municipality in Chambers County.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1024, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Messrs. Smith (M) and Turnham:

H. 959. Relating to all counties having populations of not less than 35,000 nor more than 38,000 inhabitants according to the 1970 or any subsequent federal decennial census, to authorize and provide for an additional expense allowance for the sheriff of any such county.

Also:

By Messrs. Smith (M) and Turnham (with notice and proof):

H. 1025. Relating to Chambers County, authorizing the county governing body, in its discretion, to allocate available county funds for the payment of travel expenses for county officers who attend professional meetings.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1025, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

By Mr. Manley:

H. 576. To provide for the distribution of the 1975 Code of Alabama, editions, or portions thereof; to provide for the conservation of the sets distributed; to authorize the sale thereof by the publisher; and to provide an appropriation for the distribution of said code.

Also:

By Mr. Crawford:

H. 112. To amend Section 747 of Title 37, Code of Alabama 1940, as amended, to authorize municipalities to levy an increased license tax on banks and branch banks.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 1065, 1074, 991, 1003, 945, 648, 860, 1102, 1048, 932, 1024, 959 and 1025. To the Committee on Local Legislation No. 1.

H. B. 576. To the Committee on Judiciary.

H. B. 112. To the Committee on Finance and Taxation.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Smith (C):

H. J. R. 362. COMMENDING THE THORSBY HIGH SCHOOL BASKETBALL TEAM FOR A SUCCESSFUL SEASON.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

Mr. Littleton offered the following substitute for the Resolution, H. J. R. 362, the title of which is set out in the foregoing Message from the House, to-wit:

## SUBSTITUTE FOR H. J. R. 362

H. J. R. 362. COMMENDING THE THORSBY HIGH SCHOOL BASKETBALL TEAM FOR A SUCCESSFUL SEASON.

WHEREAS, the Thorsby High School Basketball Team has completed the season with a 21-10 record and won the Area Eight Championship of Region Four; and

WHEREAS, as a team they shot 55 percent from the foul line, their field goal percentage, as a team, averaged 42 percent and they averaged scoring 62 points a game; and

WHEREAS, this fine seven-member team, six of whom will be returning next season, is deserving of recognition for their fine season, much credit also is due to Head Coach Marvin Green for the team's high degree of technical skill and for their fine spirit, good sportmanship and will to win; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily congratulate and commend the Thorsby High School Basketball Team for winning the Area Eight Championship and direct that copies of this resolution be sent to Mr. Ed Blackmon, principal, on behalf of the school, to Head Coach Marvin Green and to team members Alan Childress, Gary Patterson, Jim Davis, Bobby Hayes, Johnny Mills, Jerry Atchison and Kenneth Markovitz.

Which was adopted.

And on motion of Mr. Littleton, the Resolution, H. J. R. 362, as thus amended by the substitute, was concurred in and adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Biddle, Waggoner, Moore (O), Boles, White, Jolly, Hall and Armstrong:

H. 941. To prohibit any municipality subject to the provisions of a civil service law or merit system within any county of the State of Alabama having a population of 500,000 or more inhabitants according to the last or any subsequent federal decennial census requiring any applicant for employment as an officer or employee of such municipality, or any officer or employee now or hereafter employed, to be a resident of such municipality; to prohibit the application of points, credits, or other benefits on behalf of residents so as to give residents of any such municipality an advantage over nonresidents, either in the employment, promotion, demotion, or discharge of employees.

Also:

By Messrs. Hilliard, Jolly, Trammell, Hall, Harrison, Hopping, Tucker and Moore (O):

H. 462. To authorize any municipality having two hundred fifty thousand inhabitants or more according to the last or any subsequent federal census to sell and regulate the sale of stolen, abandoned, lost or unclaimed personal property.

Also:

By Mr. Sasser:

H. 262. Relating to Dale County, providing for a one-to-one method of striking jurors in criminal cases.

Also:

By Messrs. Brindley and Jolly (with notice and proof):

H. 940. Relating to Blount County; to make it unlawful for any person to attempt to locate deer by shining any type of lighting device across fields, pastures and roadsides; prescribing penalties.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 940, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Messrs. Starkey, Killian and Lutz:

H. 942. Relating to all counties having a population of not less than 38,100 nor more than 40,500 according to the 1970 or any subsequent

federal decennial census; to authorize the expenditure of funds not otherwise obligated of such county hospital boards by said board for the purpose of constructing, equipping, acquiring, maintaining, leasing, selling or otherwise disposing of office buildings and the real estate on which same may be situated to physicians who will engage in the practice of medicine in such county; and to further authorize such county hospital boards to borrow money, mortgage property, and do any and all other things necessary and proper to secure funds with which to acquire, construct, equip and maintain said real estate and/or office buildings.

Also:

By Mr. McNees:

H. 958. Relating to counties having a population of not less than 16,245 nor more than 16,300 according to the 1970 or any subsequent federal decennial census; to create a county industrial development authority for the purpose of promoting industry and trade and the development of the county; to provide for the organization, powers, functions, duties and personnel of the authority and for the compensation of its employees; and to repeal conflicting laws.

Also:

By Messrs. Hill and Greer:

H. 960. To repeal Section 8 of Act No. 1695, H. 2263, 1971 Regular Session (Acts of 1971, p. 2852), entitled, "An Act Relating to all counties having a population of not less than 65,500 nor more than 75,200 inhabitants according to the most recent or any subsequent federal decennial census, to create a Civil Service Board in said counties to assure the more efficient operation of the Sheriff's Department; to provide for the compensation powers, duties, and compensation for such boards; and to establish certain employee management policies for the sheriff's Department in said counties."

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 941 and 462. To the Committee on Local Legislation No. 2.

H. B.'s 262, 940, 942, 958 and 960. To the Committee on Local Legislation No. 1.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Kinsey and McMillan:

H. 1105. To provide that all real estate shall be assessed for ad valorem tax purposes according to its value in actual use and not according



to any speculative or potential use in all counties having populations of not less than 57,000 nor more than 61,000 inhabitants according to the 1970 or any subsequent federal decennial census.

Also:

By Mr. Boles:

H. 544. Relating to counties having a population of not less than 500,000 inhabitants according to the most recent federal decennial census; to prohibit the use of injurious traps for the trapping of animals; prescribing a penalty for violation of this act.

Also:

By Mr. Boles:

H. 460. To further amend Act Number 134 of the 1965 Regular Session of the Legislature of Alabama (Acts of Alabama Regular Session 1965, page 201) approved July 7, 1965, entitled "An Act to authorize the Mayor of any city of this State having a population of 300,000 persons or more according to the last or any subsequent federal census to employ for and in behalf of said city a chief Administrative Assistant.

Also:

By Mr. Gafford (with notice and proof):

H. 841. To provide that Jefferson County will pay to the chairman of the board of registers of Jefferson County, Alabama, longevity pay in the amounts and at the times provided for in the Act.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 841, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Mr. McNair:

H. 14. To further amend Sections 2 and 18 of an act entitled "an act to create and establish in each county in Alabama which has a population of 400,000 or more according to the last or any future Federal Census, a county-wide Civil Service System, affecting certain personnel whose compensation is now or may hereafter be payable in whole or in part from the public funds of such counties or municipalities located therein, including personnel employed or appointed by the County Board of Health and the Board of Registrars in such counties; to create a Citizens Supervisory Commission and to create a Personnel Board and other agencies for the supervision and administration of said System in each of such counties; to regulate and define the manner, form and extent of the control, supervision and authority of such agencies over such personnel and over such counties and municipalities therein and County Boards of Health and Registrars in such counties; to provide for the payment of the expenses of each such agency and for a division of such expense between the County affected thereby and the municipalities therein including the County Board of Health; to provide penalties for the violation of this Act and of rules and regulations adopted pursuant thereto; and to repeal all laws and parts of laws inconsistent with the provisions hereof." (Approved July 6, 1945, General Acts of Legislature of Alabama, 1945, page 376).

Also:

By Messrs. Hilliard and Tucker:

H. 913. To amend Section 10 of Act No. 1053, H. 1901 of the 1973 Regular Session of the Legislature (Acts 1973, Vol. III, p. 1688) pertaining to additional unlawful acts in counties having populations of not less than 500,000 according to the 1970 or any subsequent federal decennial census, in regard to the sale of table wine, so as to make the unlawful acts in said counties conform to the general law of Alabama governing the sale of alcoholic beverages.

Also:

By Mr. Holmes (A):

H. 590. Relating to counties having populations of not less than 150,000 nor more than 180,000 inhabitants according to the 1970 or any subsequent federal decennial census, to redive such counties into districts for the purpose of electing the county governing bodies.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 1105 and 590. To the Committee on Local Legislation No. 1.

H. B.'s 544, 460, 841, 14 and 913. To the Committee on Local Legislation No. 2.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Pegues:

H. 901. To amend Act No. 2305, Regular Session, 1971, Sections 2, 5, 6 and 9 to change the rate of taxation from (13.5¢) thirteen and one-half cents per ton to (25¢) twenty-five cents per ton, to rewrite the distribution section to provide that the additional revenue shall be earmarked for the State General Fund, to amend Sections 6 and 9.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 901. To the Committee on Finance and Taxation.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Biddle:

H. 643. To authorize the State of Alabama to levy and collect, in addition to all other taxes heretofore imposed by law, an excise and privilege tax on every person severing coal, bauxite, or lignite within the State of Alabama; to provide that the proceeds collected therefrom be deposited with the Department of Revenue and that thereafter (1) a portion of said tax be distributed to the governing body of the county within which such severance occurred; (2) a portion of said tax be distributed to the governing body of the municipality within the police jurisdiction or municipal limits of which such severance occurred in an amount based on the tax collected on the severance of coal, bauxite, or lignite within such police jurisdiction or municipal limits; to establish procedures for the distribution of such funds by the Department of Revenue; to authorize the Department of Revenue or its authorized agents to inspect the relevant books of each person severing coal, bauxite, or lignite and to make such reasonable rules and regulations as may be necessary to enforce and collect the tax imposed by this Act; to prohibit, and make null and void, the enactment and implementation by county, municipal or other taxing authorities severance taxes inconsistent with or additional to the provisions of this Act and to effect the repeal of any laws previously passed authorizing the implementation or enactment of any such tax; and to prescribe penalties for the violations of the provisions of this Act.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 643. To the Committee on Finance and Taxation.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Kennedy (with notice and proof):

H. 549. To amend Section 2 of Act No. 929, H. 1822, Regular Session 1975 (Acts 1975, p. 3) relating to amendment of the retirement system of the City of Prichard by changing the effective date of said act.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 549, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Mr. Kennedy:

H. 551. An act to supplement the salaries of the District Judges of the Thirteenth Judicial Circuit.

Also:

By Messrs. Kennedy, Buskey and Sonnier:

H. 834. To honor the memory of the late John L. LeFlore; relating to counties of not less than 300,000 nor more than 600,000 inhabitants; to require that the next public high school built in any county to which this Act applies shall be named the John L. LeFlore High School.

Also:

By Messrs. Sandusky, McMillan and Sonnier:

H. 835. To amend Title 3, of Act 2431, H. 2569, 1971 Regular Session (Acts of 1971, p. 3880), as amended, entitled "relating to all counties having populations of not less than 300,000 nor more than 600,000 according to the most recent decennial census; to provide for and create a County Racing Commission for the regulation, licensing, and supervision of dog racing, and wagering thereon; to prescribe the composition, appointment, powers and duties of the commission; to provide for and regulate the pari mutuel or certificate method of wagering within the enclosure of licensed race tracks; to provide for the distribution of license fees, taxes, commissions, and other monies received under the provisions of the Acts; and to provide other penalties for the violation of this Act and for other purposes relative thereto, and to provide for a referendum of the voters of the County on the question of whether the act will become effective in the County," to amend and change the compensation of each member of the Commission.

Also:

By Mr. Glass:

H. 1017. To amend the title and Sections 2 and 3 of Act No. 653, H. 589, 1975 Regular Session (Acts of 1975, p. 1410) relating to voter registration and reidentification in all counties having populations of not less than 300,000 nor more than 600,000 according to the 1970 or any subsequent decennial census, so as to require members of the Board of Registrars to be available to colleges in areas within such county for voter registration and reidentification purposes upon the request of the House of Representatives member who represents such area with the concurrence of the Senate member who represents such area; to provide transportation for the members of the board of registrars to and from places where any registration is being conducted, and to provide an increase in compensation for each member of the board.

Also:

By Messrs. Shelton and Merrill:

H. 1023. To provide that any public corporation heretofore or hereafter incorporated and existing under the provisions of Act No. 109, H. 148 of the 1961 Regular Session, as amended, [1961 Acts, p. 134; appearing in Code of Alabama 1940, Recompiled 1958, Title 22, Section 204 (41a)], is

authorized and empowered to lease any hospital, building or facility constructed and equipped under the provisions of such act to any public corporation or any non-profit corporation. No rights under the terms of any contract shall be abrogated nor shall any security for the fulfillment of any obligation be jeopardized by the provisions of this act.

Also:

By Mr. Kinsey:

H. 470. To amend Section 13 of Act No. 1516, H. 1864, 1971 Regular Session [Acts of 1971, p. 2631; now appearing in Code of Alabama Recompiled 1958, Title 22, Sections 140(19)-140(29)], entitled "To provide for the regulation of the construction of water wells, to provide a system of reporting information concerning the drilling of water wells and results, to provide for the licensing of water well drillers, to provide for the promulgation and publication of rules and regulations to effectuate the provisions of this act, creating a board to be known as the Alabama Water Well Standards Board, to provide for the qualification, appointment and removal of board members and the filling of vacancies and fixing their tenure of office, and providing penalties for violation of this act"; so as to exempt Baldwin County from the provisions of that act.

Also:

By Mr. Cross (with notice and proof):

H. 955. Relating to Lawrence County, providing that certain county prisoners and state prisoners who are housed in county or city jails of Lawrence County may be used on a voluntary basis in the building, repairing and maintenance of public roads, buildings and other public properties; providing for the commutation of sentence of certain state and county convicts who participate in such public work projects and providing for an appropriation from the state general fund in order to effectuate the provisions of this act.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 955, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Mr. Cross (with notice and proof):

H. 956. Granting the county commission of Lawrence County the authority to pay certain expenses incurred by the Probate Judge of Lawrence County and to make the provisions hereof retroactive to January 17, 1977.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 956, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 549, 551, 834, 835, 1017, 470, 955 and 956. To the Committee on Local Legislation No. 1.

H. B. 1023. To the Committee on Local Government.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. McCorquodale:

H. 933. Relating to the first judicial circuit of Alabama; providing for separation of the jury by consent in the circuit courts of the counties composing such circuit.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 933. To the Committee on Local Legislation No. 1.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Falkenburg and Waggoner:

H. 196. To amend Code of Alabama 1940, Title 45, Section 144, as amended, providing a daily prisoner meal allowance, so as to provide for an increase in such allowance.

Also:

By Mr. Merrill:

H. 489. To make supplemental appropriations for the use of the Board of Corrections for payment to the various counties for expenses incurred for the housing and confinement of state prisoners in county jails; for the operations of the Department of Public Safety; and for the payment of interest on General Obligation Bonds paid from the State General Fund.

Also:

By Messrs. Hines, McMillan, Warren, Callahan, McCulley and McNees:

H. 436. To amend Title 51, Section 431 (2) to increase the tax rate from 4% of gross value to 6% of gross value and to amend Section 431 (8) to provide that the increased collection shall be divided 50% to the Counties in which the Oil or Gas is severed and 50% to the State General Fund; to provide that such tax increase shall not apply to any well producing less

than 26 barrels of oil per day; and to provide that the tax increase provided for by this act shall not apply to any new well that comes into production within a period of three years after the effective date of this act.

Also:

By Messrs. Merrill, McCorquodale, Crowe, Drake, Robertson, Manley, Holmes (D), White, Martin, Quarles, McCluskey, Shoemaker, Weeks, Pegues, Kelley, Brindley, Starkey, Riddick, Sonnier, Turnham, Smith (B), Johnson, Clark, Killian, Gafford, Folmar, Dial, Carter, Baker, Smith (M), McCulley, Wyatt, Plaster, Callahan, Harris, Owens, Waggoner, Lutz, Gregg, Falkenburg, McNees, Biddle and Moore (W):

H. 872. To provide that the Department of Public Safety shall provide and maintain a minimum of two personnel to protect the person of any former governor who while in office sustained bodily injury from any violent criminal act.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 196, 489 and 436. To the Committee on Finance and Taxation.

H. B. 872. To the Committee on State Government.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Crawford:

H. 113. To further amend Section 429, Title 51, Code of Alabama 1940, as amended, to eliminate restrictions against levy and assessment of excise or license taxes by municipalities and counties.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 113. To the Committee on Finance and Taxation.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Pegues, Shoemaker, Carothers, Whatley, Smith (M), Baker, McNair, Martin, Sasser, Brindley and Shelton:

H. 964. To amend Title 51, Section 348 A, Title 51 of the Code of Alabama 1940 expanding the provisions of the foreign corporation franchise tax and to increase the foreign corporation franchise tax.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 964. To the Committee on Finance and Taxation.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Merrill, Pegues, Weeks, Whatley, Killian, Roberts, Crowe, Cross, Cooper, Moore (W), Turnham, Sasser, Kinsey, McNeese, Riddick, Brindley, Edwards, Jackson (F), Younce, Greer, Drake, Folmar, Hopping, Baker, Callahan, Crawford, Gafford, McCorquodale, Shelton, Holmes (D), Manley, Robertson, Sonnier, White, Porter, Biddle, McNair, McMillan, Venable, Cates, Smith (C), Lewis, Harris, Kelley, Sparks, Ford, McCluskey, Quarles, Shoemaker, Dial, Naramore and Carothers:

H. 1036. To appropriate the sum of three million dollars (\$3,000,000) to the State Department of Public Health—Medicaid Account from any funds available in the state treasury to the credit of the Department of Pensions and Security.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 1036. To the Committee on Finance and Taxation.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Holmes (D):

H. J. R. 428. URGING THE DEPARTMENT OF REVENUE TO PROVIDE A TOLL-FREE NUMBER FOR CITIZENS OF THE STATE



**OF ALABAMA TO CALL FOR STATE INCOME TAX INFORMATION AND ADVICE.**

WHEREAS, tax regulations are complex and everchanging; and

WHEREAS, there is a great need among taxpayers for accurate, up-to-date information concerning state income tax; and

WHEREAS, citizens of the State of Alabama currently have little access to such information; and

WHEREAS, the State of Alabama is responsible for providing service and assistance to its citizens; and

WHEREAS, the Internal Revenue Service provides a toll-free telephone service to help in the preparation of federal income tax returns; and

WHEREAS, a tremendous need exists for a similar service for state income tax; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That we strongly urge the Department of Revenue to establish and maintain the service of a toll-free number for citizens of the State of Alabama to call for state income tax information and advice.

**BE IT FURTHER RESOLVED,** That such a service be provided without the necessity of additional funds and be established and ready for use in time for 1977 state income tax returns.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The Resolution, H. J. R. 428, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Folmar:

**H. J. R. 425. NAMING THE NEW NATIONAL GUARD ARMORY IN TROY, ALABAMA THE "RALPH WYATT ADAMS NATIONAL GUARD ARMORY"**

WHEREAS, Ralph Wyatt Adams has completed thirty-four years of distinguished service in the military; and

WHEREAS, Ralph Wyatt Adams has served the state and the nation in the National Guard as Assistant Adjutant General of the Alabama Air National Guard and as Acting Chief of Staff of the Alabama Air National Guard; and

WHEREAS, Ralph Wyatt Adams has served many years as a member of the American Legion and is Past Commander of the

Montgomery Post No. 2 and is presently a member of the Troy Post No. 70 and a member of the American Legion Boys State Committee; and

WHEREAS, Ralph Wyatt Adams has been instrumental in bringing a new National Guard unit and a new armory to the City of Troy; and

WHEREAS, Ralph Wyatt Adams was instrumental in securing land for a new armory building and is therefore responsible for the actual location of the proposed armory; and

WHEREAS, Ralph Wyatt Adams has been an ardent supporter of all facets of the National Guard, has shown a special pride in the National Guard and in the planning of the new armory and has contributed substantially to establishing an excellent relationship between the National Guard and the City of Troy;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALABAMA, BOTH HOUSES CONCURRING, that the new National Guard Armory to be constructed in the City of Troy, Alabama, be named the "Ralph Wyatt Adams National Guard Armory" in honor of Ralph Wyatt Adams, and that the Alabama National Guard is directed to cause appropriate signs and markers to be erected and maintained in designating said National Guard Armory after Ralph Wyatt Adams.

BE IT FURTHER RESOLVED, that a copy of this resolution be sent by the Clerk of the House to Dr. Ralph Wyatt Adams and the Alabama National Guard.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The Resolution, H. J. R. 425, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Manley:

H. J. R. 364. REAFFIRMING THE ALABAMA LEGISLATURE'S SUPPORT OF THE TENNESSEE-TOMBIGBEE WATERWAY DEVELOPMENT AUTHORITY AND CALLING ON THE L & N RAILROAD TO IMMEDIATELY WITHDRAW ITS SUIT AGAINST SUCH AUTHORITY.

WHEREAS, The Tennessee-Tombigbee Waterway has been called by members of Congress "an economic turning point for the Southeast;" and

WHEREAS, the Honorable George C. Wallace, Governor of Alabama, chairman of the five-state Tennessee-Tombigbee Waterway Development Authority, has made countless statements citing economic advantages of the Authority and does not wish to see anything delay development of this project which will mean so much to the economy of Alabama and the entire nation; and

WHEREAS, a major portion of this 253-mile long project is located in Alabama; and

WHEREAS, more 105 million dollars in construction contracts already have been awarded in Alabama, an additional 124 million dollars will be spent on work in Alabama and a total of 54,600 jobs will be created in Alabama by this project in the next 25 years; and

WHEREAS, this project has tremendous revenue potential for Alabama including revenue to the Port of Mobile projected at more than 2 billion dollars, private investment income estimated at 4.5 billion dollars, and state revenue projected at more than 7 billion dollars by the year 2000; and

WHEREAS, on November 30, 1976, the Louisville & Nashville Railroad and the Environmental Defense Fund of New York filed suit in federal court in Washington, D. C., asking that construction of this project be stopped; and

WHEREAS, the Louisville & Nashville Railroad has attempted to create an illusion of grass-roots opposition to the project by funding environmental fronts to block the Tennessee-Tombigbee Authority with arguments which already have been legally settled; and

WHEREAS, in reality the Tennessee-Tombigbee Waterway Development Authority has grass-roots support as evidenced by an 82 percent statewide vote backing the Tennessee-Tombigbee bond issue; and

WHEREAS, the State of Alabama has obligated itself for 35 million dollars in bonds to relocate bridges and an additional 45 million dollars for modernization and expansion of the state docks in Mobile in order to be ready for the Tennessee-Tombigbee Waterway;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Legislature hereby reaffirms its support for the Tennessee-Tombigbee Waterway Development Authority and calls upon the Louisville & Nashville Railroad to immediately withdraw the suit against the Tennessee-Tombigbee Waterway Development Authority.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The Resolution, H. J. R. 364, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Cates:

H. J. R. 369. REQUESTING THE SECRETARY OF THE ARMY TO RELEASE, OR AUTHORIZE GOVERNOR WALLACE TO RELEASE, AS PUBLIC INFORMATION, THE FIRST ARMY

**INSPECTOR GENERAL AND AUDITOR GENERAL REPORTS OF  
INSPECTION OF THE ALABAMA STATE MILITARY  
DEPARTMENT.**

WHEREAS the First Army Inspector General and Auditor General reports of inspection of the Alabama State Military Department have been delivered to Governor Wallace classified "For official use only"; and

WHEREAS Governor Wallace has been instructed by the Chief of the National Guard Bureau that "the reports contain privileged information and must be protected in accordance with army regulations; and

WHEREAS Governor Wallace correctly takes the position that he should not make the Reports public in violation of the classification; and

WHEREAS Governor Wallace has already requested permission from the National Guard Bureau to make a public release of the entire Report; and

WHEREAS the contents of the Report was of such serious nature as to cause the resignation of the State Adjutant General; and

WHEREAS punitive action is apparently pending against other high ranking officers of the Alabama State Military Department; and

WHEREAS Governor Wallace is to be commended for the action that he has taken following receipt of the Report; and

WHEREAS the funds involved were public funds, both state and federal; and

WHEREAS the officials involved were public officials, both state and federal; and

WHEREAS misuse of public funds by public officials should be public information; and

WHEREAS there is little likelihood that national security is involved; and

WHEREAS a cloud of doubt hangs over the head of many capable and dedicated National Guard members; and

WHEREAS it is in the best interest of the Alabama National Guard and the State of Alabama for the public to have all the facts contained in the Report;

**NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That we hereby request The Secretary of the Army of the United States to cause the Report of the Inspector General and the Report of the Auditor General of the First United States Army pertaining to the Alabama Military Department to be given public release, or that Governor Wallace be authorized to release the Reports in the State of Alabama.

**BE IT FURTHER RESOLVED** that a copy of this Resolution be immediately sent to the President of the United States, The Governor of Alabama, all Alabama members of the Congress of the United States, the Chairmen of the Armed Services Committees of both the United States Senate and House, the Secretary of Defense, the Chairman of the Joint

Chiefs of Staff, the Army Chief of Staff, and the Chief of the National Guard Bureau.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The Resolution, H. J. R. 369, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Hill, Greer, Coburn and Goodwin:

H. J. R. 391. COMMENDING THE UNIVERSITY OF NORTH ALABAMA BASKETBALL TEAM.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. McDonald (A), the Rules were suspended and the Resolution, H. J. R. 391, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Messrs. Roberts, Martin and Cross:

H. J. R. 361. COMMENDING THE MORGAN COUNTY VOLUNTEER RURAL FIREFIGHTERS.

Also:

By Messrs. McMillan and Kinsey:

H. J. R. 365. HONORING MISS AMELIA JOHNSON FOR MERITORIOUS SERVICE TO THE TOWN OF ROBERTSDALE.

Also:

By Messrs. Gregg, Riddick, Moore, (W), Albright and Smith (B):

H. J. R. 368. COMMENDING MRS. BARBARA BRAGG FOR MERITORIOUS SERVICE.

Also:

By Mr. Brindley:

H. J. R. 371. MOURNING THE TRAGIC DEATH OF DAVID KLEIN.

Also:

By Mr. Killian:

H. J. R. 374. MOURNING THE DEATH OF JUDGE W. J. HARALSON.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolutions, H. J. R.'s 361, 365, 368, 371 and 374, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Mr. McNees:

H. J. R. 396. MOURNING THE DEATH OF LOUIS HODGES.

Also:

By Mr. Sparks:

H. J. R. 398. NOTING THE 16th ANNUAL WINSTON COUNTY "CHITTLIN" SUPPER.

Also:

By Messrs. Killian, Cross and Roberts:

H. J. R. 401. CONGRATULATING REPRESENTATIVE AND MRS. TOM DRAKE ON A NEW ADDITION TO THEIR FINE FAMILY.

Also:

By Messrs. Boles, Biddle, Jolly, Hall, Porter, Andrews, Tucker, Falkenburg, White, Gafford, Moore (O), Trammell, McNair, Waggoner, Hilliard, Howard, Leonard, Armstrong, Harrison and Jackson (R):

H. J. R. 402. COMMENDING THE PITTMAN JUNIOR HIGH SCHOOL FOOTBALL TEAM.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolutions, H. J. R.'s 396, 398, 401 and 402, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Messrs. Gregg, Riddick, Albright, Smith (B), Moore (W), McCorquodale, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt, Younce:

H. J. R. 416. MOURNING THE DEATH OF MRS. GRAY B. LUTZ.

Also:

By Messrs. Johnson, Robertson and Lee:

H. J. R. 417. HONORING COACH C. M. NEWTON OF THE UNIVERSITY OF ALABAMA.

Also:

By Messrs. Johnson, Robertson and Lee:

H. J. R. 418. COMMENDING THE UNIVERSITY OF ALABAMA BASKETBALL TEAM FOR AN OUTSTANDING SEASON.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolutions, H. J. R.'s 416, 417 and 418, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Turnham:

H. J. R. 326. MOURNING THE DEATH OF COLONEL LOUIS J. COMPTON.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolution, H. J. R. 326, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Folmar:

H. J. R. 343. CONGRATULATING THE TROY STATE UNIVERSITY FOOTBALL TEAM ON THEIR CONFERENCE CHAMPIONSHIP.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolution, H. J. R. 343, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Mr. Andrews:

H. J. R. 111. COMMENDING DR. BILL HARTLEY, PASTOR OF THE RIDGECREST BAPTIST CHURCH.

Also:

By Mr. Andrews:

H. J. R. 112. COMMENDING REVEREND CLAUDE WHITEHEAD, PASTOR OF THE HUFFMAN UNITED METHODIST CHURCH.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolutions, H. J. R.'s 111 and 112, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:



By Mr. Jackson (F):

H. J. R. 329. CONGRATULATING AND COMMENDING THE ANDALUSIA HIGH SCHOOL FOOTBALL TEAM.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolution, H. J. R. 329, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

### UNFINISHED BUSINESS BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the Unfinished Business for today, the first item of which was the Bill:

S. 426. To make an appropriation for capital outlay purposes at the University of South Alabama at Mobile for the fiscal year ending September 30, 1977.

The question was on the amendment offered by Mr. Baker, which said amendment is set out in the Journal of the Senate on the Fourteenth Legislative Day.

Mr. Baker moved that further consideration of the Bill, S. B. 426 and pending amendment, be postponed until the next Legislative Day.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 103. To further amend Section 847 of Title 51 of the Code of Alabama 1940 as heretofore amended by extending each of the time limits set out in said Section 847 by an additional ten days.

Also:

H. 198. A bill to promote the public health of the State of Alabama by safeguarding the financial integrity of health care institutions against malpractice claims; to authorize the establishment, maintenance, administration and operation of any trust established by hospitals or health care units, licensed as such by the State of Alabama, as grantors and as beneficiaries, for the purpose of insuring against general public liability claims based upon acts or omissions of such hospitals or health care units, including without limitations, claims based upon malpractice; to amend Section 12 of Act No. 407, Acts of Alabama, 1971 Regular Session (Section 12, Title 28A, Alabama Code of 1940, as amended), and particularly Section 12 thereof so as to exempt such insurance trust operations from all of the provisions of that title and of the Alabama Insurance Code; to limit the obligations and liabilities of any hospital or health care unit participating in such a trust to the obligation to pay the contributions required of it by any trust agreement to which it is a party; and to provide that this act shall apply to and shall confer all rights,

privileges, exemptions and immunities upon any trust established for the purposes contemplated by this act, and the grantors, members, beneficiaries, participants and trustees thereof, whether such trust was established before or after the effective date of this act.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 342. COMMENDING CHARLIE THOMPSON FOR HEROISM.

Also:

H. J. R. 354. COMMENDING REV. ROBERT E. BROWN, PASTOR OF THE LAKEWOOD BAPTIST CHURCH.

Also:

H. J. R. 372. MOURNING THE DEATH OF FORMER STATE REPRESENTATIVE J. B. BURKHALTER OF CHEROKEE COUNTY.

Also:

H. J. R. 377. URGING CONGRESS AND PRESIDENT CARTER TO CONTINUE THE BEAR CREEK WATERSHED AND FLOOD CONTROL PROJECT.

Also:

H. J. R. 379. COMMENDING DR. W. H. (JACK) TAYLOR UPON HIS RETIREMENT FROM THE ALABAMA COOPERATIVE EXTENSION SERVICE, AUBURN UNIVERSITY.

Also:

H. J. R. 385. CONGRATULATING REPRESENTATIVE AND MRS. TOM DRAKE.

Also:

H. J. R. 387. URGING INTERVENTION BY PRESIDENT CARTER TO PREVENT THE CLOSING OF CRAIG AIR FORCE BASE IN SELMA, ALABAMA.

Also:

H. J. R. 405. NOTING THE RETIREMENT OF NORMAN F. USSERY AND COMMENDING HIM FOR MERITORIOUS SERVICE.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

### FURTHER CONSIDERATION OF S. B. 426

The Senate proceeded to further consideration of the Bill, S. B. 426. The question was on the motion by Mr. Baker that further consideration be postponed until the next Legislative Day.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 47. To provide for additional times when real property may be returned and valued for ad valorem tax purposes in all counties having a population of not less than 115,000 nor more than 150,000 according to the 1970 or any subsequent federal decennial census.

Also:

H. 782. Relating to Cleburne County; to change the method of compensating the judge of probate, the tax assessor, and the tax collector; to fix the compensation of each of such officers; and to make the act retroactive as to the judge of probate.

Also:

H. 371. To amend Section 4 of Act No. 1103, S. 834, of the 1973 Regular Session (Acts 1973, Vol. III, p. 1867), which act relates to the office of clerk-secretary to each circuit judge of the Thirty-eighth Judicial Circuit, so as to further regulate the salary of said clerk-secretary; and to make the effect of its provisions retroactive to October 1, 1976.

Also:

H. 437. Relating to the governing body of Chambers County; amending Sections 1 and 2 of Act No. 475, H. 304, Regular Session 1973 (Acts of 1973, p. 689), which act creates the county commission of Chambers County in lieu of the court of county commission of such county; so as to provide further for the rearrangement of commissioner's districts and for the election, terms and qualifications of the commissioners.

Also:

H. 439. To provide for purging the lists of registered voters in Chambers County; requiring and prescribing the procedure for the re-identification of registered voters; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the re-identification of registered voters; and providing a penalty for willfully making a false statement in connection with re-identification.

Also:

H. 556. To prohibit the killing of any fox except in the course of hunting on horseback or if the animal is caught committing or attempting to commit depredation to livestock or poultry or is a menace to the health and safety of a human being, in any county having a population of not less than 50,000 nor more than 52,500 inhabitants according to the 1970 or any subsequent federal decennial census.

Also:

H. 602. Relating to Chambers County: to provide the Chambers County Commission with authority to employ appraisers, mappers, clerical personnel and other personnel to maintain current evaluation of all real property and valuation of personal property.

Also:

H. 652. Relating to counties having a population of not less than 24,000 nor more than 24,800 inhabitants according to the 1970 or any subsequent federal decennial census; to provide additional compensation for the Board of Registrars in an amount to be set by the County Commission, within certain limits; to make the provisions of this act retroactive.

Also:

H. 671. To provide the county commission in all counties having a population of not less than 21,000 nor more than 22,000 inhabitants according to the 1970 or any subsequent federal decennial census, with authority to employ appraisers, mappers, and clerical personnel to maintain current evaluation of all real property and valuation of personal property within the county.

Also:

H. 742. Relating to Morgan County and to enable Morgan County to make contributions and to provide for liability insurance, to volunteer rural fire departments organized according to law in Morgan County, Alabama and to provide life and accident insurance to the members of such organizations.

Also:

H. 743. Relating to Morgan County; to direct the judge of probate to transfer all records and lists in his custody relating to electors and voting to the board of registrars of Morgan County and to direct the board of registrars to supply to the probate judge from time to time such transferred information as may be necessary to the fulfillment of his lawful duties; and to repeal conflicting laws.

JOHN W. PEMBERTON,  
Clerk.

## SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

## REPORT FROM RULES

Mr. Littleton, Acting Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 425. NAMING THE NEW NATIONAL GUARD ARMORY IN TROY, ALABAMA THE "RALPH WYATT ADAMS NATIONAL GUARD ARMORY".

On motion of Mr. Perry, said Resolution was concurred in and adopted by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 104. To further amend Section 712 of Title 51 of the Code of Alabama 1940 as heretofore amended so as to extend by ten days the time allowable for disbursing the money the probate judge receives in respect of motor vehicle licenses and registration fees and to extend by ten days the time allowable to the probate judge for forwarding to the Comptroller and the Department of Revenue a certified list of all motor vehicle licenses issued by the probate judge during the preceding month.

Also:

H. 717. To direct the Code Commissioner to correct an error which appears in Title 16, Chapter 13, Article 3, Section 16-13-56 of the Manuscript of the Code 1975, which was adopted by Act No. 20, H. 100 of the current session of the Legislature, the section of such manuscript which deals with the determination of the amount of local funds available for purposes of the minimum school program, in order to make this section correctly state the law on this subject.

JOHN W. PEMBERTON,  
Clerk.

## SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 300. Amending Section 1 of Act No. 16, H. 17 of the 1975 Second Special Session (Acts 1975, Vol. I, p. 127), relating to all counties having populations of not less than 26,725 nor more than 27,250 inhabitants according to the 1970 or any subsequent federal decennial census; providing for clerical assistance of the tax assessor and tax collector in such counties, so as to provide that any cost of living increase for county employees automatically shall be applicable to them, retroactively to October 1, 1975.

Also:

H. 405. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Blountsville, in Blount County.

Also:

H. 412. Relating to county health officers or administrators in counties having populations of not less than 57,000 nor more than 61,000 inhabitants according to the 1970 or any subsequent federal decennial census, authorizing such persons to issue official death certificates; and providing penalties for violation of this Act.

Also:

H. 666. Relating to all counties having a population of not less than 57,000 nor more than 61,000 inhabitants according to the 1970 or any subsequent federal decennial census; providing for an additional expense allowance for the probate judge, tax assessor, tax collector, county commissioners and sheriff.

Also:

H. 727. To alter or rearrange the boundary lines of the town of Cedar Bluff, Cherokee County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Cedar Bluff, Alabama.

Also:

H. 729. To provide for the night hunting and taking of racoons and opossums with the use of a light and/or shotgun using shot no larger than number eight, or with a 22-caliber rimfire rifle using 22-caliber-short ammunition in all counties having a population of not less than 10,660 nor more than 10,900 inhabitants according to the 1970 or any subsequent federal decennial census.

Also:

H. 836. To alter or rearrange the boundary lines of the City of Satsuma, Mobile County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory contiguous thereto, in Mobile County, Alabama.

Also:

H. 849. Relating to Limestone County; giving the county governing body certain powers in regard to maintaining roads and rights-of-way leading to homes or residences on private property.

Also:

H. 850. Relating to Limestone County; to authorize the county commission to appropriate an amount not to exceed \$3,000 in their annual budget for industrial promotion.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

### FURTHER CONSIDERATION OF S. B. 426

The Senate proceeded to further consideration of the Bill, S. B. 426. The question was on the motion by Mr. Baker that further consideration be postponed until the next Legislative Day.

### REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Joint Resolutions and Senate Bills delivered to the Governor, with the date and hour of delivery, to-wit:

S. B. 399

Delivered to the Governor March 10, 1977, at 12 o'clock Noon.

S. J. R. 266

S. J. R. 267

S. B. 94

S. B. 244

S. B. 406

S. B. 408

Delivered to the Governor March 22, 1977, at 3:30 P.M.

S. J. R. 246

S. J. R. 260

S. J. R. 261

S. J. R. 262

S. J. R. 263

S. J. R. 264

S. J. R. 265

S. J. R. 268

S. J. R. 270

S. J. R. 272

S. J. R. 275

S. J. R. 277

S. J. R. 287

S. J. R. 288

S. J. R. 289

S. J. R. 290

Delivered to the Governor March 24, 1977, at 2:35 P.M.

S. B. 161

S. J. R. 276

S. J. R. 280

S. J. R. 286

S. J. R. 292

S. J. R. 293

S. J. R. 295

S. J. R. 296

S. J. R. 297

S. J. R. 298

S. J. R. 299

Delivered to the Governor March 31, 1977, at 11:45 A.M.

McDOWELL LEE,  
Secretary.

#### SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

#### ADJOURNMENT

At 5:25 P.M., Mr. Baker moved that the Senate adjourn until Tuesday, April 5, 1977, at 12 o'clock noon.

Mr. Perloff offered a substitute motion that the Senate adjourn until 12:01 A.M., which motion was adopted, and at 5:27 P.M., pending further consideration of S. B.'s 426 and 62, the Senate adjourned until Tuesday, April 5, 1977, at 12:01 A.M.



## SEVENTEENTH LEGISLATIVE DAY

TUESDAY, APRIL 5, 1977

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

## PRAYER

The Session was opened with prayer by Honorable Maston Mims, 31st Senatorial District.

## ROLL CALL

Present:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Miller, Mims, Noonan, Owen, Pearson, Peden, Perloff, Perry, Roberts, St. John, Stewart, Teague, Vacca, Waldrop, Wilson.

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## JOURNAL

On motion of Mr. Fine, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Sixteenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

OBIE J. LITTLETON,  
Acting Chairman.

## COMMITTEE REPORT

On motion of Mr. Littleton, the foregoing report was concurred in and the Journal of the Senate for the Sixteenth Legislative Day was approved by the Senate.

## LEAVE OF ABSENCE

On motion of Mr. Fine, leave of absence was granted Messrs. Mitchell, Powell and Shelby for today.

UNFINISHED BUSINESS  
BILLS ON THIRD READING

The Senate proceeded to consideration of the Unfinished Business for today, the first item of which was the Bill:

S. 426. To make an appropriation for capital outlay purposes at the University of South Alabama at Mobile for the fiscal year ending September 30, 1977.

and pending Baker amendment, which said amendment is set out in the Journal of the Senate for the Fourteenth Legislative Day.

The question was on the motion of Mr. Baker that further consideration of the Bill, S. B. 426, be postponed until the next Legislative Day.

On motion of Mr. Baker, the motion to postpone was laid on the table.

On motion of Mr. Baker, his pending amendment to the Bill, S. B. 426, was laid on the table.

Mr. Perloff moved that further consideration of the Bill, S. B. 426, be postponed until the Eighteenth Legislative Day as Unfinished Business, and further moved that a vote on said Bill be taken at 11 o'clock A.M., which motion was adopted by unanimous consent.

### RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 307. RESOLVED by the Senate that the following business in the order named be made the special, paramount and continuing order of business immediately upon the adoption of the resolution for the 17th Legislative Day only; taking precedence over all other business and the regular order of business for said legislative day:

Bill No.	Page No.	Description
H. B. 86	38	Regulated Loan business
S. B. 86	63	Health Insurance

On motion of Mr. Littleton, the Resolution was adopted by the Senate.

Yeas 12; Nays 11.

*Yeas:*

Messrs. Adams, Bank, Edwards, Fine, Higginbotham, Littleton, McDonald (S), Miller, Mims, Perloff, Teague, Vacca.

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*Nays:*

Messrs. Baker, Ellis, Goodwin, King, Little, McDonald (A), McMillan, Pearson, Peden, Perry, Waldrop.

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### RECESS

At 12:15 A.M., Mr. Roberts moved that the Senate take a recess until 10 o'clock this morning, which motion was lost.

Mr. McDonald (S) moved that the Senate take a recess until 11 o'clock this morning, which motion was adopted, and at 12:16 A.M. the Senate took a recess until 11 o'clock this morning.

AFTERNOON SESSION  
SEVENTEENTH LEGISLATIVE DAY

TUESDAY, APRIL 5, 1977

The Senate re-assembled in the Senate Chamber at 11 o'clock A.M. and was called to order by Lieutenant Governor Beasley.

ROLL CALL

Present:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Miller, Mims, Noonan, Owen, Pearson, Peden, Perloff, Perry, Roberts, St. John, Stewart, Teague, Vacca, Waldrop, Wilson.

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UNFINISHED BUSINESS  
BILLS ON THIRD READING

The Senate proceeded to consideration of the second item of Unfinished Business for today, which was the Bill:

S. 62. To authorize and provide for the issuance of revenue bonds for the purpose of providing for the construction, reconstruction, improvement, alteration, enlargement and equipment of public office building facilities and of annexes, additions and enlargements of such buildings and for the acquisition of sites therefor; to authorize and provide for the establishment of a public corporation, to be known as the Alabama Capitol Building Authority, to issue such bonds; to provide that a part of the proceeds of such bonds shall be used by the authority established hereunder for the purpose of providing such public office building or buildings for the legislative branch of the government of the State of Alabama, that a part of such proceeds shall be used by the Alabama Building Authority for the purpose of constructing, altering and improving the public office building facilities heretofore constructed by such authority or for constructing and equipping of annexes, additions or enlargements of such building, and the remainder of the proceeds of such bonds shall be used by the Alabama Building Finance Authority for the purpose of constructing, altering and improving public office building facilities heretofore constructed by such authority or for constructing and equipping of annexes or additions to such buildings; to authorize the issuance of refunding bonds; to provide for the investment of the proceeds from the sale of such bonds; to provide that all properties procured, constructed or improved or enlarged with the proceeds of any bonds hereby authorized and the income therefrom and all bonds issued pursuant to this act and the income therefrom and all leases made and all lien notices filed relative to buildings or additions constructed, altered, improved or equipped pursuant to this act, shall be exempt from all taxation in the State of Alabama; to provide that such bonds shall constitute negotiable instruments; to provide that such bonds shall be payable solely out of revenues of the several authorities, respectively, and shall not create an obligation or debt of the state; to provide that any bonds issued pursuant to this act may be used as security for deposits and investment of public

funds and fiduciary funds; to specify the application of the proceeds of the bonds issued pursuant to this act; to provide for the construction of public office building facilities, the alteration, construction of annexes or additions to, and improvement of public office building facilities and for the equipment of such facilities or additions thereto by the several authorities above listed; to authorize the conveyance to each of said authorities of lands owned by the State; to create a reserve fund for the benefit of the bonds issued pursuant to this act; to authorize the authority established hereunder to pledge such revenues from any facilities constructed under authority of this act as may be necessary to pay the principal of and interest on its bonds; to authorize the filing for record of an instrument reciting the issuance of said bonds and the creation of said pledge as a lien on said revenues which filing will constitute constructive notice; to provide that the state treasurer shall be the custodian of the funds of the authority; to provide for the lease to and by agencies, boards, commissions, public corporations, bureaus and departments of the State of Alabama and of the United States, and private parties of space for occupancy in said facilities or additions thereto; and to authorize publication of notice of each resolution authorizing any bonds or pledge and to specify a limitation of time thereafter for actions or defenses respecting said bonds or pledge.

as amended, and pending amendment.

Mr. Peden moved that further consideration of the Bill, S. B. 62, be postponed temporarily.

### SPECIAL ORDER

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first item of which was the Bill:

H. 86. Relating to the regulated loan business; providing for regulation, examination, investigation, and licensing of individuals, firms, and corporations engaged in the business of making regulated loans and for the suspension and revocation of licenses issued hereunder for specified reasons; prescribing maximum rates of interest and other charges for loans; providing for the administration and enforcement of the Act, prescribing penalties, providing for the proper repeal of existing laws, including Section 18 (f) of Act No. 2052, S. B. 122 of the Regular Session of 1971, approved October 1, 1971, relating to loans over \$300.00 and Act No. 374, H. B. 102 of the Regular Session of 1959, approved November 6, 1959, relating to the small loan business and Act No. 159, H. B. 233, approved June 23, 1945 (General Acts of Alabama, 1945, page 200), relating to the small loan business and providing for regulation of the same.

Mr. Stewart offered the following amendment to the Bill, H. B. 86, to-wit:

### AMENDMENT TO HOUSE BILL 86

Amend House Bill 86 on page 14, Section (1), line 17, by striking the words and figure "three per cent (3%)" and inserting in lieu thereof the words and figure "one and one-fourth per cent (1¼%)".

### INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Messrs. Adams, Fine, Perry, Stewart, Peden, Owen, Gilmore, Perloff, Clemon, Ellis, King, Miller, Mims, Waldrop, Pearson, Higginbotham, Vacca and Goodwin:

S. 769. To further identify creditable years of service under the State Employees' Retirement System.

Committee on Finance and Taxation.

By Mr. St. John:

S. 770. To provide for a guaranteed minimum starting wage or salary for all state, county, municipal, or political subdivision law enforcement officers of this state and provide for the enforcement of the provisions of this act.

Committee on Finance and Taxation.

By Mr. Higginbotham:

S. 771. To exempt Smith's Water Authority in Lee County, Alabama from the provisions of Act No. 21, H. 28 of the 1969 Special Session of the Legislature, as amended, which levied a certain tax on the gross receipts and gross sales of certain utilities.

Committee on Finance and Taxation.

By Mr. Clemon:

S. 772. To amend Section 7, Title 29, Code of Alabama 1940, as amended, which relates to the management of liquor stores and when stores are to be opened.

Committee on Judiciary.

By Mr. King:

S. 773. To further amend Section 4 of Act No. 551, H. 321, Regular Session 1967 (Acts 1967, Vol. II, p. 1300), as amended, relating to the Alabama State Council on the Arts and Humanities so as to bring the employees of such Council under the provisions of the Merit System Act and State Employees' Retirement System.

Committee on Finance and Taxation.

By Mr. Teague:

S. 774. To prohibit the use of steel traps and similar devices and prohibiting the sale of any pelts taken in this state and to prescribe the punishment for violation of this act.

Committee on Conservation.

By Mr. Fine:

S. 775. To authorize free tuition for certain high school students attending technical colleges.

Committee on Finance and Taxation.

By Mr. Owen (with notice and proof):

S. 776. To amend the Title and Section 1 of Act No. 1186, H. 1278, 1975 Regular Session (Acts of 1975, p. 2318) entitled, "An Act Relating to

Lawrence County; to provide that a certain percentage of the proceeds accruing to the Alabama Department of Aeronautics from any rental or lease agreement covering certain lands in said county shall be deposited to the Lawrence County general fund; requiring all such leases to be let on a competitive bid basis," so as to provide that all of the revenue from the lease of such land shall go to the state aeronautics department.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 776, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Edwards:

S. 777. To amend the Alabama Insurance Code, Act No. 407, H. 198 of the Regular Session of 1971 (Acts 1971, p. 707), amending Section 171 of Chapter 8 thereof, so as to regulate further the issuance or the delivery of insurance contracts through the arrangements or facilities of a credit card facility or organization or through credit facilities of a retail merchandise establishment or department store.

Committee on Insurance.

By Mr. McDonald (S) (with notice and proof):

S. 778. Relating to Blount County; to provide an additional expense allowance for the sheriff which will become a part of his salary at the commencement of his next term of office.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 778, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Teague:

S. 779. Relating to counties having populations of not less than 27,900 nor more than 33,500 according to the 1970 or any subsequent federal decennial census; to increase the expense allowance for the assistant district attorney.

Committee on Local Legislation No. 1.

## RESOLUTIONS

Messrs. St. John, Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop and Wilson offered the following Senate Joint Resolution, to-wit:

S. J. R. 308. CONGRATULATING MISS SHEALY TORBERT ON HER SELECTION AS ALABAMA'S 1977 CHERRY BLOSSOM PRINCESS.

WHEREAS, The Powers-That-Be in Washington have shown the great good judgment to select Miss Shealy Torbert of Opelika to be Alabama's 1977 Cherry Blossom Princess; and

WHEREAS, Miss Torbert, a junior at the University of Alabama, is the daughter of our esteemed former colleague, Chief Justice C. C. "Bo" Torbert; and

WHEREAS, Miss Torbert, a young lady of great charm and beauty, with her father's warm and bubbling personality, was a most fortunate choice to represent our state in the Cherry Blossom festivities in Washington this past weekend; now, therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do heartily congratulate Miss Shealy Torbert for this singular honor, and express our gratitude to her that our great state was represented by such a delightful young lady.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Miss Torbert and to her parents, Chief Justice and Mrs. C. C. "Bo" Torbert.

On motion of Mr. St. John, the Rules were suspended and the Resolution was adopted by the Senate.

#### FURTHER CONSIDERATION OF H. B. 86

The Senate proceeded to further consideration of the Bill, H. B. 86. The question was on the amendment offered by Mr. Stewart.

#### RESOLUTION

Messrs. Goodwin and Little offered the following Senate Joint Resolution, to-wit:

S. J. R. 309. DEPLORING THE CLOSING OF CRAIG AIR FORCE BASE BY PRESIDENT CARTER.

WHEREAS, the closing of Craig Air Force Base will mean an economic depression of \$55 Million in the Selma area, according to Air Force estimates; and

WHEREAS, the loss of Craig will cost approximately 2,000 jobs, raising unemployment in the Selma area by 10 to 20 percent; and

WHEREAS, by closing Craig Air Force Base, President Carter will apparently cause an economic disaster in Dallas County, Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we deplore the closing of Craig Air Force Base by President Carter, and urge him to use the full power of the federal government to prevent or alleviate economic disaster in Dallas County, Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to President Carter and each member of the Alabama Congressional Delegation.

On motion of Mr. Goodwin, the Rules were suspended and the Resolution was adopted by the Senate.

## FURTHER CONSIDERATION OF H. B. 86

The Senate proceeded to further consideration of the Bill, H. B. 86. The question was on the amendment offered by Mr. Stewart.

## RESOLUTION

Mr. Edwards offered the following Senate Joint Resolution, to-wit:

S. J. R. 310. MOURNING THE DEATH OF E. TOMMIE TERRY.

WHEREAS, the Alabama Legislature regretfully has learned of the death of Mr. E. Tommie Terry of Hillsboro, Alabama on March 29, 1977 at the age of 66; and

WHEREAS, Mr. Terry was a former two-term member of the Lawrence County Commission from the Northeast District, during which time he served on both the Mental Health and Community Action Boards; he was an active member of the Hillsboro Baptist Church, a retired heavy equipment operator and farmer, and a member and past officer of the United Terry Club; and

WHEREAS, Tommie Terry was a highly respected and beloved member of his community who, during his lifetime, gave generously of his time and concern in unselfish service to others, and will be long remembered and sadly missed by his family and many friends; he is survived by his wife, Mrs. Mary Bass Terry; three sons, Donald W., Dean and Larry Terry, all of Hillsboro; his sisters, Mrs. Hazel Turner of Decatur and Mrs. Naomi Parker Terry of Trinity, Alabama; his brothers, Hobson Terry of Hillsboro and Gilbert Terry of Moulton; ten grandchildren and three great-grandchildren; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we deeply mourn the death of Mr. E. Tommie Terry of Hillsboro, and direct that copies of this resolution be sent to his wife and three sons that they may know of our heartfelt sympathy.

On motion of Mr. Edwards, the Rules were suspended and the Resolution was adopted by the Senate.

## FURTHER CONSIDERATION OF H. B. 86

The Senate proceeded to further consideration of the Bill, H. B. 86. The question was on the amendment offered by Mr. Stewart.

Mr. Teague moved that said amendment be laid on the table, which motion was lost.

Yeas 10; Nays 14.

Yeas:

Messrs. Adams, Bank, Edwards, Fine, Gilmore, Littleton, Peden, Perloff, St. John, Teague.



*Nays:*

Messrs. Baker, Clemon, Goodwin, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Pearson, Perry, Roberts, Stewart.

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## REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, respectively, and finds same correctly enrolled, to-wit:

S. 238. To create the office of county historian in all counties of this state having a population of not less than 60,000 nor more than 65,000 inhabitants, according to the 1970 or any subsequent federal decennial census; to provide for compensation and the method of appointment, and to prescribe the duties.

OBIE J. LITTLETON,  
Acting Chairman.

## SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing report from the Committee on Rules.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 111. COMMENDING DR. BILL HARTLEY, PASTOR OF THE RIDGECREST BAPTIST CHURCH.

Also:

H. J. R. 112. COMMENDING REVEREND CLAUDE WHITEHEAD, PASTOR OF THE HUFFMAN UNITED METHODIST CHURCH.

Also:

H. J. R. 326. MOURNING THE DEATH OF COLONEL LOUIS J. COMPTON.

Also:

H. J. R. 329. CONGRATULATING AND COMMENDING THE ANDALUSIA HIGH SCHOOL FOOTBALL TEAM.

Also:

H. J. R. 343. CONGRATULATING THE TROY STATE UNIVERSITY FOOTBALL TEAM ON THEIR CONFERENCE CHAMPIONSHIP.

Also:

H. J. R. 361. COMMENDING THE MORGAN COUNTY VOLUNTEER RURAL FIREFIGHTERS.

Also:

H. J. R. 365. HONORING MISS AMELIA JOHNSON FOR MERITORIOUS SERVICE TO THE TOWN OF ROBERTSDALE.

Also:

H. J. R. 368. COMMENDING MRS. BARBARA BRAGG FOR MERITORIOUS SERVICE.

Also:

H. J. R. 371. MOURNING THE TRAGIC DEATH OF DAVID KLEIN.

Also:

H. J. R. 374. MOURNING THE DEATH OF JUDGE W. J. HARALSON.

Also:

H. J. R. 391. COMMENDING THE UNIVERSITY OF NORTH ALABAMA BASKETBALL TEAM.

Also:

H. J. R. 396. MOURNING THE DEATH OF LOUIS HODGES.

Also:

H. J. R. 398. NOTING THE 16th ANNUAL WINSTON COUNTY "CHITTLIN" SUPPER.

Also:

H. J. R. 401. CONGRATULATING REPRESENTATIVE AND MRS. TOM DRAKE ON A NEW ADDITION TO THEIR FINE FAMILY.

Also:

H. J. R. 402. COMMENDING THE PITTMAN JUNIOR HIGH SCHOOL FOOTBALL TEAM.

Also:

H. J. R. 416. MOURNING THE DEATH OF MRS. GRAY B. LUTZ.

Also:

H. J. R. 417. HONORING COACH C. M. NEWTON OF THE UNIVERSITY OF ALABAMA.

Also:

H. J. R. 418. COMMENDING THE UNIVERSITY OF ALABAMA BASKETBALL TEAM FOR AN OUTSTANDING SEASON.

Also:

H. J. R. 425. NAMING THE NEW NATIONAL GUARD ARMORY IN TROY, ALABAMA THE "RALPH WYATT ADAMS NATIONAL GUARD ARMORY".

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

### FURTHER CONSIDERATION OF H. B. 86

The Senate proceeded to further consideration of the Bill, H. B. 86. The question was on the amendment offered by Mr. Stewart.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Rich, Taylor, Martin, Dial, Jackson (F), Starkey, Crawford, Glass, Sasser, Carter, Cross and Gregg:

H. 646. To amend Section 12 of Act No. 2479, H. 2083, Regular Session 1971, known as the Alabama Worthless Check Act, to make the offenses in Category III and any third and subsequent offense in Category II a felony, with a mandatory fine and prison sentence for third and subsequent offenses; and to require the courts to order restitution as a part of all sentences, and to require court costs to be assessed to the defendant.

Also:

By Mr. Pegues:

H. 27. To amend the title and Sections 1, 4, 6, 8 and 10 of Act No. 14, H. 5, Special Session of 1969 (Acts 1969, p. 28), which act establishes the Alabama Commission of Higher Education, so as to further provide for the powers, duties and authority of the Commission.

Also:

By Messrs. Sandusky and Cross:

H. 80. To provide for the payment of tuition and the cost of textbooks for an undergraduate student in a state college, junior college, or

university, who is the child of a law enforcement officer or fire fighter killed in line of duty; to create a Tuition Eligibility Board to administer the provisions of the Act, and to prescribe its composition, duties and responsibilities; to appropriate necessary funds from the Special Education Trust Fund.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 646. To the Committee on Judiciary.

H. B.'s 27 and 80. To the Committee on Education.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Biddle:

H. 577. To amend Section 11 of Act No. 551, S. 887, Regular Session 1975 (Acts of Alabama 1975, p. 1226), the Alabama Surface Mining Reclamation Act of 1975, an act establishing a system of regulation and control of coal surface mining and reclamation, so as to delete the current subsection c of Section 11 and thereby remove references to distances within which the Alabama Surface Mining Reclamation Commission may regulate the detonation of explosives, and to add a new subsection c to Section 11 to give the Commission the power to adopt rules for detonating explosives.

By Mr. Wyatt:

H. 605. Relating to all counties having a population of not less than 150,000 nor more than 180,000 inhabitants according to the 1970 or any subsequent federal decennial census; fixing the total compensation, including expense allowances, for the probate judges in such counties, payable out of the general fund of such counties.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 577. To the Committee on Commerce, Transportation, and Utilities.

H. B. 605. To the Committee on Local Legislation No. 1.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Smith (J), Crawford and Carothers:

H. 916. Relating to all counties having a population of not less than 56,500 nor more than 59,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide an additional expense allowance for members of the county commission.

Also:

By Messrs. Venable, Plaster and Smith (C):

H. 998. To fix the compensation for bailiffs of courts in the Nineteenth Judicial Circuit and to provide for payment thereof by that county in which such bailiff serves.

Also:

By Mr. Cates (with notice and proof):

H. 1019. Relating to Butler County; relating to service of process by the sheriff of Butler County; authorizing the sheriff to mail subpoenas for witnesses and for jury duty, grand and petit, and notices of appointment to election officials by certified mail, postage prepaid; and authorizing the county governing body to make expenditures from the county general fund for such purpose.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1019, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Mr. McCorquodale (with notice and proof):

H. 1052. Relating to Clarke County, fixing the fee for issuance of a pistol permit by the Sheriff, and providing for the deposit and use of such fees.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1052, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Messrs. Williams and Sasser (with notice and proof):

H. 1107. To alter or rearrange the boundary lines of the City of Daleville, Dale County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits, and also certain other territory in Dale County, Alabama.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1107, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Mr. McCluskey:

H. 1121. Relating to counties having a population of not less than 10,660 nor more than 10,900 according to the 1970 or any subsequent federal decennial census; to provide for the payment of certain expenses for the Judge of Probate and Chief Clerk.

Also:

By Messrs. Hill, Greer and Coburn:

H. 1084. Relating to all counties having a population of not less than 65,500 nor more than 75,200 inhabitants according to the most recent federal decennial census; setting the salary of the clerk of the jury commission in such counties, retroactive to March 1, 1976, payable out of the funds of the county treasury.

Also:

By Messrs. Carothers, Crawford and Smith (J):

H. 1124. Relating to all counties having populations of not less than 56,500 nor more than 59,000 inhabitants according to the 1970 or any subsequent federal decennial census; authorizing the county board of education of any such county to spend public funds to provide office furniture and office equipment and the necessary repair of said office furniture and office equipment as required by the county superintendent of education and his assistants.

Also:

By Mr. Sonnier:

H. 295. Relating to the thirteenth judicial circuit; providing for an additional circuit court judge in such circuit and prescribing the duties, authority, and compensation of such judge.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 916, 998, 1019, 1052, 1107, 1121, 1084 and 1124. To the Committee on Local Legislation No. 1.

H. B. 295. To the Committee on Finance and Taxation.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 549. Relating to all counties having a population of not less than 13,000 nor more than 13,250 inhabitants according to the 1970 or any subsequent federal decennial census; to provide further for the use of the sheriff's fund in such counties and to repeal conflicting statutes.

Also:

S. 524. Relating to the thirty-fourth judicial circuit, providing the district attorney of said circuit an annual expense allowance payable by the county composing said circuit.

JOHN W. PEMBERTON,  
Clerk.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Messrs. Owens and McCorquodale:

H. J. R. 410. COMMENDING MR. JIM OAKLEY, JR., OUTSTANDING MEMBER OF ALABAMA'S NEWSPAPER INDUSTRY.

Also:

By Messrs. Cross, Martin and Roberts:

H. J. R. 411. COMMENDING WEST MORGAN HIGH SCHOOL ON THEIR REGION 7, 2A BASKETBALL CHAMPIONSHIP.

Also:

By Messrs. Cross, Martin and Roberts:

H. J. R. 412. COMMENDING DANVILLE HIGH SCHOOL ON THEIR REGION 8, 1A BASKETBALL CHAMPIONSHIP.

Also:

By Mr. Folmar:

H. J. R. 414. COMMENDING THE CHARLES HENDERSON HIGH SCHOOL DEBATE TEAM.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolutions, H. J. R.'s 410, 411, 412 and 414, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Gafford, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCorquodale, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce:

H. J. R. 438. CONGRATULATING C. E. "BUTCH" AVINGER FOR BEING UNDER CONSIDERATION BY PRESIDENT CARTER FOR THE POSITION OF COMPTROLLER OF THE CURRENCY.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolution, H. J. R. 438, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Messrs. Biddle, Waggoner, Boles and Hall:

H. J. R. 429. CONGRATULATING JEFFERSON STATE'S GIRLS GYMNASTIC TEAM ON THEIR NATIONAL CHAMPIONSHIP.

Also:

By Messrs. Holmes (A) and Crowe:

H. J. R. 434. COMMENDING ROBERT W. JONES FOR HIS MANY CONTRIBUTIONS TO THE CIVIC, RELIGIOUS AND POLITICAL AFFAIRS OF HIS COMMUNITY.

JOHN W. PEMBERTON,  
Clerk.



## HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolutions, H. J. R.'s 429 and 434, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Roberts:

H. J. R. 445. CREATING A JOINT INTERIM COMMITTEE TO STUDY SEWAGE TREATMENT FACILITIES.

WHEREAS, throughout rural sections of Alabama, countless areas exist which pose significant obstacles to the installation of conventional sewage collection and treatment facilities, with factors such as severe topography and low population density making the cost of conventional sanitation facilities prohibitive, ranging from \$5,000 to \$10,000 per connection; and

WHEREAS, although septic tanks are widely used in rural areas as an alternative, it is estimated that approximately 50% of these septic systems do not function properly, as the soils in much of Alabama do not provide the percolation required for septic tank use, and even in areas where the ground will percolate the effluent produced by septic facilities is of a poor quality and therefore presents the danger of ground water contamination; and

WHEREAS, the choice, therefore, is either to prohibit development in such areas, or to finance the extremely high cost of conventional sewage collection and treatment facilities which, in itself, is a substantial deterrent to development in new areas; similarly, there remains the problem of homes presently in use with failing septic equipment, necessitating the alternative here of either providing adequate sanitation facilities or, short of moving families from their homes, allowing the existing unsanitary conditions to persist; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim committee to be composed of four members of the House and three members of the Senate to be appointed by the presiding officer of each house. The members of the committee shall elect from among their membership a chairman and vice chairman. The committee shall make a study of new sewage collection and treatment facilities now being used in other states, and other systems now being developed.

Upon the request of the chairman, the secretary of the senate and the clerk of the house shall provide such clerical assistance as may be necessary for the committee's work.

The committee shall report its findings, conclusions and recommendations on sewage treatment facilities to the legislature not later than the tenth legislative day of the 1978 Regular Session whereupon the committee shall be dissolved.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The Resolution, H. J. R. 445, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

## FURTHER CONSIDERATION OF H. B. 86

The Senate proceeded to further consideration of the Bill, H. B. 86. The question was on the amendment offered by Mr. Stewart.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Greer, Hill, Coburn and Goodwin:

H. 390. To grant the University of North Alabama the power of eminent domain within Lauderdale County in the state of Alabama.

Also:

By Messrs. Gregg, Coburn, Lutz, Carter, Albright, Smith (B), Greer, Turnham, Hill, Riddick, McNees, Falkenburg, Moore (O), Trammell, Harrison, Jackson (R), Jolly, Armstrong, Waggoner, Gafford, Boles, Tucker, Hall, Porter, Dial, Hopping, Howard, Naramore, Martin, Roberts, Cross, Kelley, Killian, Starkey, Edwards, Rich, Weeks, Taylor, Ford, Baker, Williams, Carothers, Crawford, Sasser, Reed, McNair, Holmes (D), Shelton, Cooper, Holmes (A), Glass and Sandusky:

H. 684. To amend Sections 39, 40 and 41 of Title 8, Code of Alabama of 1940, by providing for certain increases in non-resident fishing license fees; establishing an issuance fee for non-resident licenses; providing for the distribution of the revenue obtained by such increase, and provides for the deletion of any reference as to race from the application for said licenses.

Also:

By Mr. Owens:

H. 220. To amend Title 51, Section 647, as amended, Code of Alabama 1940, which relates to the excise tax on gasoline used in aviation, so as to stabilize the rate of taxation of gasoline and other fuels used to propel aircraft.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 390. To the Committee on Judiciary.

H. B. 684. To the Committee on Conservation.

H. B. 220. To the Committee on Finance and Taxation.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. McNees and Owens:

H. 683. Regulating further license plates to be used on motor vehicles; providing for distinctive license plates for vehicles owned by members of certain organizations; and exempting such members from privilege or license tax and registration fees levied on automobiles and motor vehicles.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 683. To the Committee on Judiciary.

## RESOLUTIONS

Mr. Baker offered the following Senate Joint Resolution, to-wit:

S. J. R. 311. MOURNING THE DEATH OF JUDGE W. J. HARALSON.

WHEREAS, the legislature of Alabama has learned with a sense of loss and deep regret of the death of Judge W. J. Haralson of Fort Payne, Alabama, on February 28, 1977; and

WHEREAS, Judge Haralson, son of the late Judge William Wallace Haralson and Fannie Campbell Haralson, attended school in Fort Payne and graduated from Marion Military Institute and the University of Alabama; he was a graduate of the Cumberland School of Law, Lebanon, Tennessee, in 1926, entered the practice of law with his father in 1927, and, in 1936 was elected Judge of DeKalb Court, serving one four-year term; and

WHEREAS, in 1940 he was elected Judge of the Ninth Judicial Circuit, as were both his father and grandfather before him, and served in this capacity for five consecutive terms, a total of 30 years, before being assigned by Chief Justice Howell Heflin to the Alabama Court of Criminal Appeals where he wrote over one hundred appellate opinions during his first tenure; he returned in 1975 to serve the Ninth Circuit as Supernumerary Judge, was appointed in 1976 to the Special Alabama Supreme Court, following the recusal of the nine members of this court, and, at the time of his death, had been reappointed to the Court of Criminal Appeals; and

WHEREAS, Judge Haralson, with dedication and deep devotion to the law, further served his profession as President of the Alabama Circuit Judges Association in 1944-45; he was instrumental in organizing the law library for DeKalb County and, well-liked and highly respected by his fellow members of the bar, he also served as an inspiring example to many

young attorneys who always sought "The Judge's" advice when in need of sound reasoning and wise counsel; and

WHEREAS, he was an active and deeply involved, lifelong member of the First Presbyterian Church of Fort Payne, was an elder for almost 40 years and, also, a member of the Board of Trustees of the North Alabama Presbytery; he was a mason and a charter member of the Fort Payne Lions Club; and

WHEREAS, Judge Haralson, highly regarded in his community and respected statewide for his judicial acumen, was a devoted husband and father, a kind and gentle man who was beloved of family and countless friends and will be long remembered and sorely missed by all those whose lives he touched; now, therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do deeply mourn and regret the death of this fine Christian man, Judge W. J. Haralson, and extend our sincere sympathy to his wife, Mrs. LeDelle Hawkins Haralson; his daughter, Mrs. James R. Bratton of Houston, Texas; his son, William Wallace Haralson of Scottsboro; and other family members to whom copies of this resolution shall be sent.

On motion of Mr. Baker, the Rules were suspended and the Resolution was adopted by the Senate.

#### FURTHER CONSIDERATION OF H. B. 86

The Senate proceeded to further consideration of the Bill, H. B. 86. The question was on the amendment offered by Mr. Stewart.

On motion of Mr. Teague, further consideration of the Bill, H. B. 86, and pending Stewart amendment, was postponed until the Twentieth Legislative Day as Unfinished Business.

#### BILLS ON THIRD READING RESUMED

The Bill:

S. 86. To provide that any individual, group, or hospital service corporation policy of health insurance which is issued within this state, whether written for single or family coverage, shall include provisions for complete maternity care of women and their fetuses.

was taken up.

On motion of Mr. Baker, further consideration of the Bill, S. B. 86, was postponed temporarily.

#### RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 312. RESOLVED by the Senate that the following business in the order named be made the special, paramount and continuing order of business immediately upon the adoption of the resolution for the 17th Legislative Day only; taking precedence over all other business and the regular order of business for said legislative day:

1.	Bill No.	Page No.	Description
	S. B. 507	86	Names bldg
	S. B. 427	23	D.A.'s
	S. B. 431	99	City Parking Facilities
	S. B. 513	71	Revenue Sharing Funds
	H. B. 91	104	City Parks, etc.
	S. B. 11	16	Secretaries
	H. B. 338	137	Supreme Court Secretaries
	S. B. 105	18	Higher Education-Residency
	S. B. 734	124	Revises Bail System
	S. B. 593	83	Solid Waste Disposal
	H. B. 89	114	Support Personnel
	H. B. 72	139	Child Abuse
	S. B. 191	24	Confidential Communication
	S. B. 576	111	Highway Department-funds
	S. B. 596	127	Real Estate
	S. B. 598	131	Real Estate Recovery Fund
	S. B. 216	19	
	S. B. 10	87	Chief Examiner
	S. B. 722	132	Leg. Reference Service
	H. B. 316	82	Teacher Units
	S. J. R. 247	72	Probate Code
	S. B. 33		Crim. Code

2. All uncontested local bills.

On motion of Mr. Littleton, the Rules were suspended and the Resolution was adopted by the Senate.

FURTHER CONSIDERATION OF S. B. 62

The Senate proceeded to further consideration of the Bill, S. B. 62 and pending amendment, which is set out in the Journal of the Senate for the Thirteenth Legislative Day.

On motion of Mr. Fine, further consideration of the Bill, S. B. 62, was postponed until the next Legislative Day as Unfinished Business.

SPECIAL ORDER

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 507. To name the student union building being built at Lawson State Junior College in Birmingham, Alabama "The Leon Kennedy Building."

And said Bill, S. B. 507, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McDonald (S), Miller, Mims, Noonan, Pearson, Peden, Roberts, St. John, Stewart, Teague, Vacca, Wilson.

—25

*Nays:*

—0

### RESOLUTIONS

Mr. Owen offered the following Senate Joint Resolution, to-wit:

S. J. R. 313. MOURNING THE TRAGIC DEATH OF MARVIN O. BERGLIN.

WHEREAS, the Legislature of Alabama was shocked and deeply saddened to learn of the untimely death of Marvin O. Berglin as the result of injuries suffered in a plane crash near New Hope, Georgia on April 4, 1977; and

WHEREAS, Mr. Berglin, who was a member of a pioneer Fairhope, Alabama family and a Navy veteran of World War II, was a member of the Alabama Water Improvement Commission, and was enroute home from a meeting of the commission at Joe Wheeler State Park at the time of the accident; and

WHEREAS, he was a prominent and highly respected Baldwin County businessman, a retired dairy producer who had served as president of the Fairhope Creamery and was a former president of the Alabama Dairy Products Association; he was a director of the First National Bank of Fairhope, a member of the Coastal Zone Management Board, served as city councilman for a number of years, and was a member of the board of directors of the Fairhope Single Tax Corporation; and

WHEREAS, Mr. Berglin's many activities and deep involvement in civic and community affairs extended further to include membership in the Fairhope Rotary Club which he had served as president, membership in the Baldwin County Shriners Club and in the Abba Shrine Temple of Mobile; he was a past commander of the Fairhope Power Squadron, an officer of District 15 of the U. S. Power Squadron, past commodore of the Fairhope Yacht Club and a member of Trinity Presbyterian Church; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the tragic death of Marvin O. Berglin and deeply feel the severe loss of one of our state's most distinguished citizens.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to his wife, Mrs. Mildred C. Berglin, and to his daughter, Becky Tait, that

they may know of our sorrow and deep feelings in the loss of their husband and father.

On motion of Mr. Owen, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Mims and Fine offered the following Senate Joint Resolution, to-wit:

**S. J. R. 314. MEMORIALIZING THE UNITED STATES CONGRESS TO REQUIRE BY LEGISLATION THAT ALL BEEF BE LABELED AS TO ORIGIN.**

WHEREAS, the Legislature of Alabama, in its knowledge that billions of pounds of beef are imported annually into the United States for domestic consumption, feels strongly that such beef imports are compounding the problems that are facing this country's beef producers, with such competition forcing many cattlemen out of the beef business; and

WHEREAS, we are aware further that presently, the American Consumer has no way of knowing whether beef being sold is domestic or imported beef and thus is being denied basic information to which the consumer is entitled; and

WHEREAS, we believe that legislation requiring the labeling of beef as either "domestic beef" or "imported beef" would serve to alleviate somewhat the overall financial problems now facing the beef producers of this country; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That we hereby memorialize the Congress of the United States to take action immediately toward introducing and enacting the legislation necessary to require that all beef be labeled as either "domestic beef" or "imported beef."

**BE IT FURTHER RESOLVED,** That copies of this resolution be sent to the President of the United States Senate, the Speaker of the United States House of Representatives and to each member of the Alabama Congressional Delegation.

On motion of Mr. Mims, the Rules were suspended and the Resolution was adopted by the Senate.

#### **BILLS ON THIRD READING RESUMED**

The Bill:

**S. 427.** To further authorize each District Attorney to employ assistants to be paid from funds appropriated or otherwise available for that purpose and to provide for the submission of a unified budget for the funding of the Office of District Attorney of the several Judicial Circuits.

was taken up.

Mr. Fine offered the following amendment to the Bill, S. B. 427, to-wit:

#### **AMENDMENT TO S. B. 427**

Amend S. B. 427 as follows:

Amend S. B. 427 in Section 1 by striking line 5 of page 2 "as they deem necessary or as otherwise required by law." and inserting in lieu thereof the following: "as they deem necessary and shall provide such other financial support as required by laws in effect on September 30, 1977."

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, Littleton, McDonald (A), McDonald (S), Miller, Mims, Owen, Pearson, Peden, Perry, St. John, Stewart, Teague, Vacca.

—25

*Nays:*

—0

And said Bill, S. B. 427, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Clemon, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, Littleton, McDonald (A), McDonald (S), Miller, Owen, Pearson, Peden, Perloff, Perry, St. John, Stewart, Teague, Vacca, Wilson.

—25

*Nays:*

—0

The Bill:

S. 431. To authorize any city in the State of Alabama having a population of 34,000 or more according to the last or any subsequent federal census to plan, establish, develop, acquire, construct, enlarge, improve, maintain, equip, operate, regulate and protect any building, structure, land, right of way, equipment or instrumentality used or useful in connection with construction, equipping, development, maintenance or operation of any area or building for off-street parking of motor vehicles (defined as parking facilities), to finance the cost of parking facilities in whole or in part by the issuance of bonds, warrants, notes or other evidences of indebtedness and pledge to the payment thereof its full faith and credit and any tax, license or revenues which the city may then be authorized to pledge to the payment of bonded or other indebtedness; to lease or let parking facilities or any one or more of them to such tenant or tenants for such periods and for such compensation or rental and on such conditions as the governing body of the city may prescribe; to fix, establish, collect and alter parking fees, tolls, rents and other charges for the use of any parking facility; to make and enforce rules and regulations governing the use of any parking facilities owned or operated by the city and to execute such contracts and other instruments and to take such other action as the governing body of the city may deem necessary or convenient in connection with parking facilities.

was taken up.



## MOTION TO ADJOURN LOST

At 5:15 P.M., Mr. Perry moved that the Senate adjourn until Thursday, April 7, 1977, at 11 o'clock A.M., which motion was lost.

## FURTHER CONSIDERATION OF S. B. 431

The Senate proceeded to further consideration of the Bill, S. B. 431.

## MOTION TO ADJOURN LOST

At 5:18 P.M., Mr. Perry moved that the Senate adjourn until Thursday, April 7, 1977, at 11:01 A.M., which motion was lost.

## FURTHER CONSIDERATION OF S. B. 431

The Senate proceeded to further consideration of the Bill, S. B. 431.

Mr. Perry moved that further consideration of the Bill, S. B. 431, be postponed until the Twenty-Seventh Legislative Day.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Reed, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCorquodale, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

H. J. R. 446. CREATING A SELECT JOINT COMMITTEE TO INSPECT DAMAGES SUFFERED IN THE BIRMINGHAM AREA AS A RESULT OF A TORNADO ON APRIL 4, 1977.

WHEREAS, on April 4, 1977, at least 20 or more persons were killed, many severely injured and numerous homes damaged or destroyed in Jefferson County in the wake of a tornado which struck this densely populated area; and

WHEREAS, this body is deeply concerned and grieved over the loss of life and property suffered by the citizens of our state and also recognize a great need that we be adequately and fully apprised as to the extent of damages and destruction wrought in Jefferson County; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby

created a select joint committee to be composed of 5 members of the House and three members of the Senate to be appointed by the presiding officer of each house. The members of the committee shall elect from among their membership a chairman and vice chairman. The committee shall inspect the disaster area in Jefferson County created by the April 4, 1977 tornado.

Upon request of the chairman, the secretary of the senate and the clerk of the house shall provide such clerical assistance as may be necessary for the committee's work.

The committee shall report its findings to the legislature on the 22 legislative day of this session whereupon the committee shall be discharged and dissolved.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Mr. Clemon, the Rules were suspended and the Resolution, H. J. R. 446, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

### RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 315. RESOLVED by the Senate that the following business in the order named be made the special, paramount and continuing order of business immediately upon the adoption of the resolution for the 18th Legislative Day only; taking precedence over all other business and the regular order of business for said legislative day:

Bill No.	Page No.	Description
S. B. 542	90	Reorganization bill

On motion of Mr. Littleton, the Rules were suspended and the Resolution was adopted by the Senate.

### FURTHER CONSIDERATION OF S. B. 431

The Senate proceeded to further consideration of the Bill, S. B. 431. The question was on the motion offered by Mr. Perry that the Bill, S. B. 431, be postponed until the Twenty-Seventh Legislative Day.

### BILLS ON THIRD READING RESUMED

The Bill:

S. 33. To provide an entirely new criminal code for the State of Alabama; defining offenses, fixing punishment; repealing numerous specific code sections and statutes that conflict herewith as well as all other laws that conflict with this act.

was taken up.

The Standing Committee on Judiciary reported the following amendment to the Bill, S. B. 33, to-wit:

## COMMITTEE AMENDMENT TO SENATE BILL 33

Amend Senate Bill 33, page 115, line 9, by adding the word "or" after the word "prostitute".

Which was adopted.

Yeas 20; Nays 0.

*Yeas:*

Messrs. Bank, Clemon, Edwards, Ellis, Higginbotham, King, Little, Littleton, McDonald (S), Miller, Mims, Noonan, Pearson, Peden, Perloff, Perry, St. John, Stewart, Teague, Vacca.

—20

*Nays:*

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The Standing Committee on Judiciary then reported the following amendment to the Bill, S. B. 33, as amended, to-wit:

## COMMITTEE AMENDMENT TO SENATE BILL 33, AS AMENDED

Amend Senate Bill 33, page 14, line 33, subsection (a), (b), and (c) and insert in lieu thereof the following: (a) Pursuant to a prior understanding, the person pays a fee to another person as compensation for that person or a third person having engaged in sexual conduct with that person; or

(b) A person pays or agrees to pay a fee to another person on an understanding that in return that person or a third person will engage in sexual conduct with that person; or

(c) A person solicits or requests another person to engage in sexual conduct with that person in return for a fee.

On motion of Mr. St. John, said amendment was laid on the table.

Mr. St. John offered the following amendment to the Bill, S. B. 33, as amended, to-wit:

## AMENDMENT TO S. B. 33, AS AMENDED

Amend S. Bill 33, and specifically Section 6145 thereof by adding after the period at the end of the existing sentence on line 23, page 114, the following:

"All presently effective state statutes and laws and locally adopted ordinances and laws pursuant thereto legalizing, authorizing, or allowing greyhound races and betting or wagering thereon are hereby expressly and specifically preserved, saved, and excepted from the repealer provisions contained anywhere in this Act."

Amend S. 33 by adding the following to Section 9901 on page 130, line 38: Nothing in this act shall be construed as amending or repealing any provision of Act No. 2431, Regular Session 1971, amended by Act No. 97 Regular Session 1973, and further amended by Act 1095 Regular Session 1975, nor shall anything in this act be construed as amending or repealing any provision of Act No. 376, H. 1040, Regular Session 1975.

Which was adopted.

Yeas 20; Nays 0.

*Yeas:*

Messrs. Bank, Clemon, Edwards, Ellis, Gilmore, Higginbotham, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Peden, Perloff, Perry, St. John, Teague, Vacca.

—20

*Nays:*

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Mr. Ellis offered the following amendment to the Bill, S. B. 33, as amended, to-wit:

AMENDMENT TO S. B. 33, AS AMENDED

Amend S. B. 33, page 82, line 13, by striking the letter "B" and the word "misdemeanor" and inserting in lieu thereof:

C felony

Which was adopted.

Yeas 22; Nays 0.

*Yeas:*

Messrs. Bank, Edwards, Ellis, Gilmore, Goodwin, Higginbotham, Jones, King, Little, Littleton, McDonald (A), McDonald (S), Miller, Mims, Owen, Pearson, Peden, Perloff, Perry, St. John, Teague, Vacca.

—22

*Nays:*

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Mr. St. John offered the following amendment to the Bill, S. B. 33, as amended, to-wit:

AMENDMENT TO S. B. 33, AS AMENDED

Amend S. 33 by the following change on line 19, page 73 thereof. Change the designation "Class B Misdemeanor" to Class A Misdemeanor.

Which was adopted.

Yeas 17; Nays 0.

*Yeas:*

Messrs. Bank, Ellis, Gilmore, Goodwin, Jones, King, Little, Littleton, McDonald (A), Miller, Mims, Owen, Pearson, Peden, Perloff, St. John, Vacca.

—17

*Nays:*

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Mr. St. John then offered the following amendment to the Bill, S. B. 33, as amended, to-wit:

AMENDMENT TO S. B. 33, AS AMENDED

Amend Senate Bill No. 33, pages 114 and 115 by striking out Sections 6201, 6205, 6210 and 6215.

Which was adopted.

Yeas 19; Nays 0.

*Yeas:*

Messrs. Bank, Clemon, Edwards, Ellis, Goodwin, Jones, King, Little, Littleton, McDonald (A), McDonald (S), Mims, Pearson, Peden, Perloff, Perry, St. John, Teague, Vacca.

—19

*Nays:*

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Mr. King offered the following amendment to the Bill, S. B. 33, as amended, to-wit:

AMENDMENT TO S. B. 33, AS AMENDED

Amend S. 33 by adding a new section immediately following Section 7035, as follows:

A person does not commit an offense under Section 7025 or Section 7035 for the sole reason he provides a child under the age of 19 years or a dependent spouse with remedial treatment by spiritual means alone in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof in lieu of medical treatment.

Which was adopted.

Yeas 17; Nays 0.

*Yeas:*

Messrs. Bank, Clemon, Ellis, Goodwin, Higginbotham, Jones, King, Little, Littleton, McDonald (A), McDonald (S), Mims, Pearson, Perloff, Perry, St. John, Vacca.

—17

*Nays:*

—0

And said Bill, S. B. 33, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 2.

*Yeas:*

Messrs. Bank, Clemon, Edwards, Ellis, Goodwin, Jones, King, Little, Littleton, McDonald (A), McDonald (S), Mims, Noonan, Owen, Pearson, Peden, Perloff, Perry, Roberts, St. John, Teague, Vacca.

—22

*Nays:* Messrs. Fine, Wilson.

—2

The Bill:

S. 199. To provide that such funds as are necessary to have the commentary prepared by the Alabama Law Institute printed, as editor's notes or otherwise, to the act that S. B. 47 of the 1976 Regular Session will

become, when said act is codified or published in code form, be appropriated from the general funds in the state treasury.

was taken up.

Mr. Pearson offered the following amendment to the Bill, S. B. 199, to-wit:

#### AMENDMENT TO S. B. 199

Amend Senate Bill No. 199, striking out in the synopsis, title and Bill the words "S. B. 47 of the 1976" and insert in lieu thereof "S. B. 33 of the 1977" on lines 12, 25 and 33 and 34 of page 1.

Which was adopted.

Yeas 21; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Higginbotham, Jones, King, Little, Littleton, McDonald (A), McDonald (S), Mims, Noonan, Pearson, Peden, Perloff, Perry, St. John, Vacca, Wilson.

—21

*Nays:*

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And said Bill, S. B. 199, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 26; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, Littleton, McDonald (S), Miller, Mims, Noonan, Owen, Pearson, Peden, Perloff, Perry, Roberts, St. John, Vacca, Wilson.

—26

*Nays:*

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#### RESOLUTION

The Resolution:

S. J. R. 247. CREATING A JOINT INTERIM COMMITTEE TO STUDY THE FEASIBILITY OF ADOPTING A REVISED PROBATE CODE FOR THE STATE OF ALABAMA.

was taken up.

On motion of Mr. Perloff, said Resolution was adopted by the Senate.

Yeas 21; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, Little, Littleton, McDonald (S), Miller, Mims, Noonan, Peden, Perloff, Roberts, Vacca, Wilson.

—21

*Nays:*

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## ADJOURNMENT

At 6 o'clock P.M., Mr. Perloff moved that the Senate adjourn until Thursday, April 7, 1977, at 10:30 A.M.

Mr. Littleton offered a substitute motion that the Senate adjourn until Thursday, April 7, 1977, at 9 o'clock A.M., which motion was lost.

The question was then on the motion offered by Mr. Perloff, which motion was lost.

Mr. Peden moved that the Senate adjourn until 8:30 A.M., which motion was adopted, and at 6:05 P.M., pending further consideration of S. B.'s 431, 426, and 62, the Senate adjourned until Thursday, April 7, 1977, at 8:30 A.M.

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EIGHTEENTH LEGISLATIVE DAY

THURSDAY, APRIL 7, 1977

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

## PRAYER

The Session was opened with prayer by Mr. Richard Jones, Associate Minister, Capitol Heights Church of Christ, Montgomery, Alabama.

## ROLL CALL

Present:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—34

## JOURNAL

On motion of Mr. King, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Seventeenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

OBIE J. LITTLETON,  
Acting Chairman.

## COMMITTEE REPORT

On motion of Mr. Littleton, the foregoing report was concurred in and the Journal of the Senate for the Seventeenth Legislative Day was approved by the Senate.

## LEAVE OF ABSENCE

On motion of Mr. King, leave of absence was granted Mr. Perry for today.

REPORT OF  
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 524. Relating to the thirty-fourth judicial circuit, providing the district attorney of said circuit an annual expense allowance payable by the county composing said circuit.

Also:

S. 549. Relating to all counties having a population of not less than 13,000 nor more than 13,250 inhabitants according to the 1970 or any subsequent federal decennial census; to provide further for the use of the sheriff's fund in such counties and to repeal conflicting statutes.

OBIE J. LITTLETON,  
Acting Chairman.

## SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing report from the Committee on Rules.

## INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Owen:

S. 780. To make an additional appropriation for salaries and other expenses for the use of the legislature for the fiscal year ending September 30, 1977.

Committee on Finance and Taxation.

By Mr. Owen:

S. 781. To amend further Section 3 of Act No. 654 enacted at the 1965 Regular Session of the Legislature of Alabama, as heretofore



amended, so as to reallocate the revenues derived from the tax authorized by that Act and to appropriate so much of those revenues as may be necessary for the retirement of additional bonds of the State Industrial Development Authority not exceeding \$3,000,000 in aggregate principal amount.

Committee on Finance and Taxation.

By Mr. Owen:

S. 782. To amend Section 40-25-23, Code of Alabama 1975 adopted by Act No. 20 enacted at the 1977 Regular Session of the Legislature of Alabama, so as to reallocate the revenues derived from the tax imposed by Sections 40-25-2 and 40-25-41, Code of Alabama 1975, and to appropriate so much of those revenues as may be necessary for the retirement of additional bonds of the State Industrial Development Authority not exceeding \$3,000,000 in aggregate principal amount.

Committee on Finance and Taxation.

By Mr. Owen:

S. 783. To authorize the State Industrial Development Authority to sell and issue from time to time its bonds not exceeding \$3,000,000 in principal amount in addition to those heretofore authorized to be issued by it; to prescribe certain additional powers and duties of the Authority, including the power to make grants from the proceeds of the said additional bonds to counties, municipalities, and local industrial development boards, subject to certain limitations, for the purposes of making certain local surveys incidental to industrial development and to grade and drain industrial sites and the means of access thereto; to provide that the Authority may issue and sell such bonds for the purpose of making the said grants; to provide that such bonds and the income therefrom shall be exempt from taxation, that such bonds may be used to secure deposits of funds of the state and its political subdivisions, instrumentalities and agencies, shall be legal for investment of fiduciary funds and funds of the Teachers' Retirement System of Alabama, the Employees' Retirement System of Alabama, and the State Insurance Fund, and shall not create an obligation or debt of the state; to provide for the deposit, investment and disposition of the proceeds of the sale of the bonds of the Authority; to make appropriations and pledges of funds from the following taxes: (1) the special tax levied by Act No. 654 enacted at the 1965 Regular Session of the Legislature of Alabama, as amended, and (2) the tax levied by sections 40-25-2 and 40-25-41, Code of Alabama 1975 adopted by Act No. 20 enacted at the 1977 Regular Session of the Legislature of Alabama, these appropriations and pledges to the extent necessary to pay the principal of and interest on bonds of the Authority; to authorize the Authority to pledge the funds so appropriated for the payment of the principal of and interest on its bonds; to provide that such principal and interest shall be payable solely from the funds so appropriated; and to provide that the State Treasurer shall be the custodian of the funds of the Authority.

Committee on Finance and Taxation.

By Mr. Bank:

S. 784. To provide for the licensing and regulation of bachelor social workers, graduate social workers, certified social workers, and social workers certified for independent practice; to establish and define the

duties and powers of the State Board of Social Work Examiners; to make violation of this Act a misdemeanor and prescribe a penalty therefor.

Committee on Health and Welfare.

By Mr. Mitchell:

S. 785. Relating to all counties having populations of not less than 12,700 nor more than 13,100 inhabitants according to the 1970 or any subsequent federal decennial census; providing that the county governing body in any such county is authorized and empowered to pay the employer's share of social security or F.I.C.A. payments on elected officials.

Committee on Local Legislation No. 1.

By Mr. Goodwin (with notice and proof):

S. 786. Relating to Dallas County; to give the county governing body certain powers in regard to constructing and maintaining roads and rights-of-way leading to private dwellings.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 786, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Messrs. Ellis, Bank and Baker:

S. 787. To provide for a credit against the individual and corporate income tax for a certain portion of the reasonable salary or other compensation paid to an employee who is a handicapped individual.

Committee on Finance and Taxation.

By Mr. Owen:

S. 788. To exempt the state headquarters only of the American Legion, the American Veterans of World War II, Korea and Viet Nam (a/k/a "AMVETS"), the Disabled American Veterans, and the Veterans of Foreign Wars (a/k/a VFW) from the payment of all state, county and municipal sales and use taxes.

Committee on Finance and Taxation.

By Mr. Noonan:

S. 789. To amend further Section 9 of Act No. 1403, H. 46, 1971 Regular Session of the Alabama Legislature (1971 Acts, p. 2363), as amended, which provides for the regulation, inspection and payment of an inspection fee on certain petroleum products so as to provide that there shall be no inspection fee on lubricating oil, kerosene, and diesel fuel used in connection with the operation of boats, yachts, ships or other maritime vehicles.

Committee on Finance and Taxation.

By Mr. Wilson:

S. 790. To amend Act No. 704, H. 475 of the Regular Session of

1951, commonly known as the Motor Vehicle Safety-Responsibility Act, so as to increase the security required therein.

Committee on Insurance.

By Mr. Teague:

S. 791. To amend Act 1938, Acts of Alabama 1971, Regular Session so as to amend Sections 2, 3, 4, 5, 6, and 9 of said Act to conform the standards of safety for mobile homes sold in the state to those of the U. S. Department of Housing and Urban Development, and to repeal Section 7 of said Act 1938.

Committee on Commerce, Transportation,  
and Utilities.

By Mr. Teague:

S. 792. To provide that used and repossessed mobile homes sold within the state shall meet certain safety standards, to provide for inspection of such mobile homes, to prescribe licenses and license fees for the sale of used and repossessed mobile homes, to provide for the enforcement of this Act, prescribing penalties for violation of this Act.

Committee on Commerce, Transportation,  
and Utilities.

By Mr. Teague:

S. 793. To amend Act 1938, Acts of Alabama 1971, Regular Session, as last amended so as to provide civil and criminal penalties for violation of the Act.

Committee on Commerce, Transportation,  
and Utilities.

By Mr. Owen:

S. 794. To amend the title and Sections 3, 4, 6, 10, 11 and 14 of Act No. 512, S. 128 of the 1976 Regular Session (Acts 1976, Vol. I, p. 640), which act relates to the continuation and termination of state agencies and subunits thereof, so as to regulate further the procedures of review and legislative process and the membership of the joint committee; to provide alternate action to continuation or termination and to provide automatic termination of any agency unless both houses of the legislature vote affirmatively for its continuance; to revise the dates for termination of certain agencies and subunits thereof; and to provide specifically for such dates for additional agencies and those agencies not herein enumerated; and to exclude from the provisions of this act all institutions of higher learning, including all junior colleges and trade schools, and four-year colleges and universities and all constitutional officers and constitutional agencies and subunits thereof.

Committee on Finance and Taxation.

By Messrs. St. John and Adams:

S. 795. To provide for county law libraries in each county, and for the personnel, space, funding, operation, and maintenance thereof, making said law libraries part of a loose network with the other law libraries in the state for their mutual benefit; permitting present county law libraries to come under the provisions of this act if they elect to do so, and superseding

laws setting up the present county law libraries and elect to come under this act.

Committee on Rules.

By Mr. Teague:

S. 796. Relating to all counties having populations of not less than 27,900 nor more than 33,500 inhabitants according to the 1970 or any subsequent federal decennial census; prescribing that all hunters within one hundred feet of any state or federal highway must keep guns unloaded; and prescribing penalties for the violations of this act.

Committee on Local Legislation No. 1.

By Mr. Teague:

S. 797. To further amend Section 18 of Act No. 403, H. 330, 1971 Regular Session (Acts of 1971, p. 701), as last amended, relating to barbers so as to require that the provisions of said Act shall apply uniformly throughout the state.

Committee on State Government.

By Mr. Bank:

S. 798. To amend Sections 4 and 11 of Act No. 986, S. 77, 1969 Regular Session (Acts of 1969, p. 1734; now appearing in Code of Alabama, Recompiled 1958, Title 46, Sections 189(51) and 189(58) ), entitled "An act to create the state board of examiners of nursing home administrators; to prescribe the powers of the state board of examiners of nursing home administrators; to provide for the issuance of licenses for nursing home administrators; and to prescribe penalties for violations of this act and rules and regulations promulgated thereunder", so as to alter the board membership and to increase the biennial license fee.

Committee on Health and Welfare.

By Mr. Roberts:

S. 799. To further amend Title 8, Section 55, Code of Alabama 1940 (Recompiled 1958), as amended, which relates to the fees of arresting officers for violations of the game and fish laws, so as to provide that such fees collected as a result of an arrest by any salaried officer for any violation of seafoods laws shall be used in the administration of the Marine Resources Division of the Department of Conservation and Natural Resources.

Committee on Conservation.

By Mr. Teague:

S. 800. To amend Section 3 of Act No. 274, H. 990, 1975 Regular Session of the Legislature (Acts 1975, p. 809), relating to the civil service system for Calhoun County so as to provide further for appointments to the civil service board of said county.

Committee on Local Legislation No. 1.

By Mr. Jones:

S. 801. To remove all restrictions relating to Public Employees of any County or City in the State of Alabama, pertaining to his right to

participate in political activities and allow public employees the right of free expression in public welfare.

Committee on Finance and Taxation.

By Mr. Stewart:

S. 802. Relating to all counties having populations of not less than 95,000 nor more than 115,000 according to the 1970 or any subsequent federal decennial census; to provide for the appointment of deputy sheriffs, clerks, jailers and cooks and to fix their salaries.

Committee on Local Legislation No. 1.

By Mr. Baker (with notice and proof):

S. 803. Relating to DeKalb County; to authorize the DeKalb County governing body and municipal governing bodies within DeKalb County to regulate the use of explosives for surface mining activities within their respective police jurisdictions.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 803, as required in the General Acts of Alabama, 1975 Act No. 919.

MCDOWELL LEE,  
Secretary.

By Mr. Jones:

S. 804. To amend Section 343 of Title 55, Code of Alabama 1940, Recompiled 1958, as amended, to provide for an increase in the awarding authority of the State Board of Adjustment.

Committee on State Government.

By Mr. Goodwin:

S. 805. To authorize any incorporated city or town in the State to issue its warrants to provide funds to enable any airport authority whose incorporation it has approved to acquire, own and operate an airport including related facilities.

Committee on Local Government.

By Mr. Goodwin:

S. 806. To authorize and make provision for the incorporation of Airport Authorities as public corporations for the purpose of acquiring, constructing, enlarging, equipping, improving, maintaining, developing and operating airports, heliports, airport buildings and facilities, including offices, hangars, and facilities for airlines, and of constructing, acquiring, establishing, improving, extending, enlarging, reconstructing, equipping, maintaining, repairing and operating buildings, structures and facilities suitable for use as schools, recreation facilities, housing facilities, railroads, docks, wharves, warehouses, manufacturing plants, industrial plants, retail shopping areas or centers, parks, exhibits, exhibitions, or for the conduct of any lawful business, at, upon, or adjacent to any airport, heliport or aircraft landing area owned or operated by any such Authority

and leasing or letting such buildings, structures or facilities; to provide that in order for any such Authority to be organized, application must be made to the governing body of one or more counties and municipalities in Alabama, and permission for organization of such Authority must be obtained from each such governing body to which application is made; to provide for the selection of the directors and officers of each such Authority; to specify the powers of each such Authority; to endow each such Authority with eminent domain and zoning powers; to exempt each such Authority from laws, ordinances and regulations relating to zoning or relating to the advertising and award of construction or purchase contracts; to provide that any county, municipality or other political subdivision, public corporation, agency or instrumentality of this State may aid and cooperate with any such Authority in the planning, undertaking, acquisition, construction and operation of airports, heliports and air navigation facilities and may lend, give, donate, sell, convey or transfer to any such Authority money, property (including existing airports and airport facilities) or any right capable of transfer; to provide that no action or suit shall be brought or maintained against any such Authority or any director thereof for or on account of the negligence of the Authority or director or of its or his agents, servants or employees; to authorize the issuance by each such Authority of interest bearing revenue bonds payable solely out of the revenues, rent, income and funds of the Authority issuing such bonds; to specify provisions of such revenue bonds issued by any such Authority and to provide that such revenue bonds shall be deemed negotiable instruments; to provide that such revenue bonds issued by any such Authority may be secured by pledge of any of the revenues, rent, income and funds of the Authority issuing such bonds, whether the Authority's right to such revenues, rent, income and funds then exists or may thereafter come into existence and by mortgage on any property of any such Authority whether then in existence or thereafter acquired; to provide that such pledge may be provided for in an indenture between the Authority issuing such bonds and a trustee or by resolution providing for the issuance of the bonds; to provide that such pledges shall be valid and binding when made and effective against third parties without notice from the time a statement thereof is filed as provided in the Uniform Commercial Code; to provide that any such Authority may include in any indenture or resolution authorizing the issuance of such bonds provisions customarily contained in instruments securing evidence of indebtedness; to provide that bonds issued and contracts entered into by any such Authority pursuant to this Act shall not constitute or create a debt of the State or of any county or municipality within the State; to specify the uses to which the proceeds of revenue bonds issued by any such Authority may be put; to authorize the refunding of said bonds; to provide for remedies in the event of any default; to exempt from all taxation the bonds issued by any such Authority and the income therefrom and the property and income of any said Authority; to authorize the investment of any idle funds of any county or municipality within this State in bonds issued by any such Authority; to provide that bonds issued by any such Authority shall be legal investments for fiduciaries, savings banks and insurance companies; to authorize the publication of notice of the adoption of any resolution authorizing the issuance of bonds by any Authority and specifying the time after such publication within which actions and defenses may be asserted respecting such bonds, pledge and indenture and the proceedings authorizing the same; and to provide for the dissolution of any such Authority and the disposition of its property.

Committee on Local Government.

By Mr. Teague:

S. 807. Relating to all counties having a population of not less than 65,000 nor more than 68,000 inhabitants according to the 1970 or any subsequent federal decennial census; amending Section 3 of Act No. 575, H. 1640, Regular Session 1975 (Acts of 1975, p. 1320) so as to remove the limitations on the maximum salary receivable by deputies of such counties and provide that the sheriff of such counties shall have the authority to authorize and order raises in the salary of such deputy sheriffs.

Committee on Local Legislation No. 1.

By Mr. Noonan:

S. 808. To protect the right of any person, corporation, association, firm or organization to refuse on moral, ethical or religious grounds to participate in any procedure relating to abortion or attempted abortion; and to hold such person harmless from civil or criminal liability.

Committee on Judiciary.

## RESOLUTION

Mr. Bank offered the following Senate Joint Resolution, to-wit:

S. J. R. 316. COMMENDING CHIEF W. C. MORRIS OF THE NORTHPORT FIRE DEPARTMENT.

WHEREAS, Chief W. C. Morris began his 48-year career as a fireman with the Tuscaloosa Fire Department in April, 1928; and

WHEREAS, Chief Morris worked diligently and enthusiastically for 25 years with the Tuscaloosa Fire Department prior to retiring as assistant fire chief; and

WHEREAS, he was of great service to the Alabama Binder Chemical Safety Program for over 10 years; and

WHEREAS, W. C. Morris began his career on February 1, 1965 with the Northport Fire Department then consisting of nine men and one 1,000-gallon pumper; and

WHEREAS, he has served as fire chief of Northport since January, 1971 and has built the department up to its present strength of twenty-nine men, two stations, and three 1,000-gallon pumps; and

WHEREAS, Chief W. C. Morris throughout his life has devoted much of his time and energy in the interest of fire fighting; and

WHEREAS, our communities rely on such a fireman to protect our well-being and to provide us with safety; and

WHEREAS, Chief W. C. Morris has distinguished himself in his community and fire department by his devotion to duty and hard work; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body commends W. C. Morris of the Northport Fire Department for his service to his community as fire chief and wishes him success in future years.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to W. C. Morris.

On motion of Mr. Bank, the Rules were suspended and the Resolution was adopted by the Senate.

#### REPORTS OF COMMITTEES

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Mr. Teague (With Amendments):

S. 218. To provide for a privilege license for automotive dismantlers and recyclers; to fix a fee for such privilege license; to provide for the business which may be carried on under such privilege license; to set qualifications of what will be needed to obtain such a privilege license; to provide for cancellation or revocation of such license; to prohibit violations of this act, to fix a penalty herefor; and to set an effective date.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Teague:

S. 428. To amend further Section 3 of Act No. 47, H. 29, Regular Session 1951, (Acts of 1951, p. 259), as last amended, which relates to the provision of educational benefits to certain disabled veterans; to dependents and survivors of disabled veterans; and to dependents and survivors of deceased servicemen or veterans so as to further regulate the granting of such benefits.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. McDonald (S) (With Amendment):

S. 529. Relating to the Retirement Systems of Alabama; providing for the remedy of certain inequities and the clarification of ambiguities in the retirement laws of Alabama; and providing statutory notice of existing administrative practices, rules and regulations of the Boards of Control of the Retirement System of Alabama.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Adams (With Substitute):

S. 611. To amend the Alabama School Code Title 52, Section 351 (1953, p. 1050) to redefine class room teacher.



Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Mims:

S. 625. Relating to Indian citizens of the State of Alabama; creating the Indian Affairs Commission of Alabama; providing for its duties and membership; prescribing the method of appointment and compensation of the members of said commission; providing for an appropriation for such commission from the state general fund; and repealing all laws or parts of laws conflicting with this act, specifically repealing Act No. 533, S. 449, 1976 Regular Session (Acts of 1976, p. 684).

By Mr. Owen:

S. 644. Authorizing any natural gas utility to condemn for its use certain interests in land for the underground storage of natural gas; prescribing certain duties of the state oil and gas board in connection with such condemnation; prescribing the procedure for and placing certain limitations on such condemnation; regulating the underground storage of natural gas and providing for protection of the ownership of stored gas.

By Messrs. Edwards and St. John:

S. 656. Proposing an amendment to the Constitution of Alabama providing for the levying and collecting of an additional ad valorem tax for community based mental health and community based mental retardation and other developmental disabilities purposes in the counties of Cullman, Lawrence, Limestone, Morgan or any one of the said counties.

The above Bill was read a second time at length as required by the Constitution.

By Mr. Peden:

S. 657. To amend Section 2 of Act No. 669, H. 792, 1939 Regular Session (Acts of 1939, p. 1604, now appearing in Code of Alabama, Recomplied 1958, Title 48, Section 301(2)) entitled "Application of article," so as to exempt certain city school busses from mileage tax.

By Mr. Mitchell:

S. 662. To appropriate funds annually from the Alabama Special Educational Trust Fund to provide \$125 assistance with hospital-medical insurance for persons who are retired under the provisions of the Alabama Teachers' Retirement System.

By Messrs. Adams, Fine, Perry, Stewart, Peden, Owen, Gilmore, Perloff, Clemon, Ellis, King, Miller, Mims, Waldrop, Pearson, Higginbotham, Vacca and Goodwin:

S. 769. To further identify creditable years of service under the State Employees' Retirement System.

By Mr. King:

S. 773. To further amend Section 4 of Act No. 551, H. 321, Regular Session 1967 (Acts 1967, Vol. II, p. 1300), as amended, relating to the

Alabama State Council on the Arts and Humanities so as to bring the employees of such Council under the provisions of the Merit System Act and State Employees' Retirement System.

By Messrs. Gafford and Callahan:

H. 33. Relating to certain positions in the State Department of Revenue, providing that the salaries to be paid to such positions shall be the same as that paid to the positions of Attorney III Supervisor.

By Mr. Greer, et al:

H. 341. To amend Sections 39 and 40 of Title 8, Code of Alabama of 1940, by providing for certain increases in nonresident fishing license fees; establishing an issuance fee for nonresident licenses; providing for the distribution of the revenue obtained by such increase; providing for the deletion of any reference as to race from the application for said licenses and providing that such licenses may be used for fishing in any fresh, salt or brackish waters in this state.

By Mr. Merrill:

H. 489. To make supplemental appropriations for the use of the Board of Corrections for payment to the various counties for expenses incurred for the housing and confinement of state prisoners in county jails; for the operations for the Department of Public Safety; and for the payment of interest on General Obligation Bonds paid from the State General Fund.

By Mr. Merrill, et al:

H. 1036. To appropriate the sum of three million dollars (\$3,000,000) to the State Department of Public Health—Medicaid Account from any funds available in the state treasury to the credit of the Department of Pensions and Security.

Mr. Bank, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Biddle:

H. 3. To prohibit the abuse, neglect or exploitation of aged or disabled adults; to provide protective services for such persons; to require mandatory reporting by physicians and others of abuse, neglect or exploitation of such persons; to exempt persons reporting such abuse, neglect or exploitation from civil or criminal liability in connection with such reporting; to prescribe penalties for the abuse, neglect or exploitation of aged or disabled adults; and to provide penalties for failure of physicians and other practitioners of the healing arts to report such abuse, neglect or exploitation.

Mr. Bank, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Perloff (With Substitute):

S. 290. To provide that any physician or surgeon who is licensed to practice medicine in Alabama shall be permitted to practice acupuncture or auriculotherapy.

Mr. King, Chairman of the Standing Committee on Constitution and Elections, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. King:

S. 683. Relating to elections; to amend the nominating procedure by changing the date for primaries, beat or mass meetings, canvass and tabulation of returns, refusal of run-off and certification of nominees and independent candidates; for such purposes, to amend Act No. 1196, S. 1018, 1975 Regular Session (Acts 1975, p. 2349) which relates to primary elections; to repeal Code of Alabama 1940, Title 17, Section 145; and to repeal other conflicting laws.

By Mr. McMillan:

S. 116. To propose an amendment to the Constitution of Alabama to provide for a student member on the boards of trustees of Auburn University and the University of Alabama.

The above Bill was read a second time at length as required by the Constitution.

By Mr. McMillan:

S. 117. To provide for a student member on the boards of trustees of all state universities and on the advisory committees of all junior colleges.

By Mr. McDonald (S):

S. 646. Proposing an amendment to the Constitution of Alabama that further regulates the length of certain sessions of the legislature and provides that each fourth regular session of each term of office of the legislature shall be restricted to the subjects of the budget and measures recommended by the governor, and any other matters shall require the affirmative vote of two-thirds of the elected members of each house.

The above Bill was read a second time at length as required by the Constitution.

Mr. King, Chairman of the Standing Committee on Constitution and Elections, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Messrs. King, McDonald (A), Adams, St. John, Roberts, Edwards, Baker and Miller (With Amendment):

S. 680. Relating to voter registration; to provide for a board of registrars, their duties, terms and compensation; to provide for the registration of electors; to provide for clerical help and office supplies for registrars; to provide for compilation and maintenance of voting records

by the board of registrars; to provide for meetings and times and places of registration by the board; to provide for the attendance by at least one registrar at the courthouse on each regular working day except when the full board is in session; to provide for purging of voter lists; to provide the suspension of registration for failure to vote; to require boards of registrars to administer absentee voting; to provide penalties for certain violations; to provide for the publication of the list of registered voters; to provide for deputy registrars; and to repeal Code of Alabama, Title 17, Sections 12 through 54 inclusive, Act No. 585, H. 216, 1949 Regular Session, Act No. 531, S. 101, 1947 Regular Session, Act No. 577, H. 66, 1959 Regular Session, Act No. 253, H. 11, 1964 Special Session, Act No. 346, H. 250, 1945 Regular Session, Act No. 6, H. 18, 1950 Special Session, Act No. 92, H. 169, 1961 Regular Session, Act No. 482, H. 71, 1947 Regular Session, Act No. 266, S. 122, 1949 Regular Session, Act No. 529, H. 283, 1957 Regular Session, Act No. 829, S. 98, 1965 Regular Session, and Act No. 750, H. 247, 1951 Regular Session.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Crowe and Sparks:

H. 403. Relating to any county having a population of not less than 16,600 nor more than 16,950 according to the 1970 or any subsequent federal decennial census; providing an expense allowance for the sheriff in any such county.

By Mr. Kinsey:

H. 470. To amend Section 13 of Act No. 1516, H. 1864, 1971 Regular Session [Acts of 1971, p. 2631; now appearing in Code of Alabama Recompiled 1958, Title 22, Sections 140(19)-140(29)], entitled "To provide for the regulation of the construction of water wells, to provide a system of reporting information concerning the drilling of water wells and results, to provide for the licensing of water well drillers, to provide for the promulgation and publication of rules and regulations to effectuate the provisions of this act, creating a board to be known as the Alabama Water Well Standards Board, to provide for the qualification, appointment and removal of board members and the filling of vacancies and fixing their tenure of office, and providing penalties for violation of this act"; so as to exempt Baldwin County from the provisions of that act.

By Messrs. Hill, Greer and Coburn:

H. 508. To authorize any city in the State of Alabama having a population of 34,000 or more according to the last or any subsequent federal census to plan, establish, develop, acquire, construct, enlarge, improve, maintain, equip, operate, regulate and protect any building, structure, land, right of way, equipment or instrumentality used or useful in connection with construction, equipping, development, maintenance or operation of any area or building for off-street parking of motor vehicles (defined as parking facilities), to finance the cost of parking facilities in whole or in part by the issuance of bonds, warrants, notes or other evidences of indebtedness and pledge to the payment thereof its full faith and credit and any tax, license or revenues which the city may then be

authorized to pledge to the payment of bonded or other indebtedness; to lease or let parking facilities or any one or more of them to such tenant or tenants for such periods and for such compensation or rental and on such conditions as the governing body of the city may prescribe; to fix, establish, collect and alter parking fees, tolls, rents and other charges for the use of any parking facility; to make and enforce rules and regulations governing the use of any parking facility owned or operated by the city and to execute such contracts and other instruments and to take such other action as the governing body of the city may deem necessary or convenient in connection with parking facilities.

By Messrs. Drake and Sparks:

H. 555. To prohibit the sale, the offering for sale or the use of steel leg-hold traps designed for capturing wild animals in any county having a population of not less than 50,000 nor more than 52,500 inhabitants according to the 1970 or any subsequent federal decennial census; and to prescribe penalties for violations.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Starkey (With Amendment):

H. 593. Relating to counties having a population of not less than 38,100 and not more than 40,500 according to the 1970 or any subsequent federal decennial census; providing for the payment of an expense allowance for the members of the county board of education of said counties.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Killian and Mitchem:

H. 623. Relating to counties having a population of not less than 41,750 nor more than 45,000 according to the 1970 or any subsequent federal decennial census; providing that any three municipalities under the purview of this act may jointly form a board of water and sewer commissioners under the provisions of Act No. 775, S. 274, 1951 Regular Session, as amended [Acts of 1951, p. 1359; now appearing in Code of Alabama, Recompiled 1958, Title 37, Sections 402(28)-402(46)] and to further provide that such municipalities may alter the membership and organization of the board.

By Mr. Johnson:

H. 645. Relating to counties having a population of not less than 110,000 nor more than 150,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide for the salaries and expense allowances of certain county officers in such counties.

By Messrs. Moore (O), Waggoner and Smith (C):

H. 663. To regulate further the excusing of persons from jury service in the Eighteenth Judicial Circuit; to require persons excused from jury service at one time to serve at a subsequent time; and to regulate the compensation of jurors who serve under certain conditions.

By Mr. Kelley (with notice and proof):

H. 738. To alter, rearrange and extend the boundary lines and corporate limits of the town of Grant, Alabama.

By Messrs. Sasser and Williams:

H. 785. To provide for the night hunting and taking of raccoons and opossums with the use of a light and/or shotgun using shot no larger than number eight, or with a 22-caliber rimfire rifle using 22-caliber-short ammunition in all counties having a population of not less than 52,500 nor more than 54,000 inhabitants according to the 1970 or any subsequent federal decennial census.

By Messrs. Manley and Pegues (with notice and proof):

H. 793. To repeal Act No. 137, H. 563, 1971 Regular Session (Acts of 1971, p. 415), as amended; to require the county superintendent of education of Marengo County to be the recipient of a master's degree in school administration; to authorize and empower the Marengo County Board of Education to employ a county superintendent of education for a term of up to four years and to set the salary, expense allowance, required standards and other qualifications for the position.

By Mr. Manley:

H. 838. To amend Section 10 of Act No. 1006, H. 1912 of the 1975 Regular Session of the Legislature (Acts 1975, Vol. III, p. 2033) pertaining to additional unlawful acts in counties having populations of not less than 23,800 nor more than 23,925 according to the most recent federal decennial census, in regard to the sale of table wine, so as to make the unlawful acts in said counties conform to the general law of Alabama governing the sale of alcoholic beverages.

By Mr. McCluskey:

H. 845. Relating to counties having populations of not less than 10,660 nor more than 10,900 inhabitants according to the 1970 or any subsequent federal decennial census; providing further for the regular meeting date of the county commission in any such county.

By Mr. Folmar (with notice and proof):

H. 855. Relating to Pike County; prescribing further the procedure for reidentification of registered voters so as to provide that any qualified elector who voted in any election in 1976 or who votes in any election in 1977 shall be automatically reidentified; and giving this act retroactive effect.

By Mr. Weeks:

H. 858. Relating to all counties having a population of not less than 22,575 nor more than 23,800 inhabitants according to the 1970 or any subsequent federal decennial census; to provide for the expense allowances and salaries of the members of the county commission in such counties.

By Messrs. Starkey, Killian and Lutz (with notice and proof):

H. 891. Proposing an amendment to the constitution of Alabama relating to placing the probate judge, the tax assessor, and tax collector of Jackson County on a salary basis of compensation.

The above Bill was read a second time at length as required by the Constitution.

By Messrs. Starkey, Killian and Lutz (with notice and proof):

H. 892. To change the method of compensating the probate judge, the tax assessor and the tax collector of Jackson County, placing said officials on a salary basis; to provide that the fees, commissions and allowances provided such officials under the general law shall be paid into the county treasury.

By Messrs. Starkey, Killian and Lutz:

H. 942. Relating to all counties having a population of not less than 38,100 nor more than 40,500 according to the 1970 or any subsequent federal decennial census; to authorize the expenditure of funds not otherwise obligated of such county hospital boards by said board for the purpose of constructing, equipping, acquiring, maintaining, leasing, selling or otherwise disposing of office buildings and the real estate on which same may be situated to physicians who will engage in the practice of medicine in such county; and to further authorize such county hospital boards to borrow money, mortgage property, and do any and all other things necessary and proper to secure funds with which to acquire, construct, equip and maintain said real estate and/or office buildings.

By Mr. Cross (with notice and proof):

H. 955. Relating to Lawrence County, providing that certain county prisoners and state prisoners who are housed in county or city jails of Lawrence County may be used on a voluntary basis in the building, repairing and maintenance of public roads, buildings and other public properties; providing for the commutation of sentence of certain state and county convicts who participate in such public work projects and providing for an appropriation from the state general fund in order to effectuate the provisions of this act.

By Mr. Cross (with notice and proof):

H. 956. Granting the county commission of Lawrence County the authority to pay certain expenses incurred by the Probate Judge of Lawrence County and to make the provisions hereof retroactive to January 17, 1977.

By Mr. McNees:

H. 958. Relating to counties having a population of not less than 16,245 nor more than 16,300 according to the 1970 or any subsequent federal decennial census; to create a county industrial development authority for the purpose of promoting industry and trade and the development of the county; to provide for the organization, powers, functions, duties and personnel of the authority and for the compensation of its employees; and to repeal conflicting laws.

By Messrs. Smith (M) and Turnham:

H. 959. Relating to all counties having populations of not less than 35,000 nor more than 38,000 inhabitants according to the 1970 or any subsequent federal decennial census, to authorize and provide for an additional expense allowance for the sheriff of any such county.

By Mr. Holley (with notice and proof):

H. 976. Relating to Coffee County; to further implement Section 9 of Act No. 160, 1971, and provide the Coffee County Commission the authority to employ or contract appraisers, mappers, and clerical personnel to maintain current evaluation of all real property and valuation of personal property.

By Mr. Holley (with notice and proof):

H. 977. To regulate further the payment of expense allowances to the members of the Coffee County Commission; and to give this act retroactive effect.

By Mr. McNees:

H. 1011. To further amend Section 1 of Act No. 97, H. 105, Special Session 1966 (Acts 1966, p. 132), as amended, which regulates the compensation of election officers in counties having a population of not less than 14,000 nor more than 15,000 inhabitants according to the 1970 or any subsequent federal decennial census.

By Mr. McNees:

H. 1012. To amend further Section 1 of Act No. 66, H. 32, Special Session 1964 (Acts 1964, p. 87), as amended, which regulates the compensation of election officers in counties having a population of not less than 16,245 nor more than 16,300 inhabitants according to the 1970 or any subsequent federal decennial census.

By Messrs. Smith (M) and Turnham (with notice and proof):

H. 1025. Relating to Chambers County, authorizing the county governing body, in its discretion, to allocate available county funds for the payment of travel expenses for county officers who attend professional meetings.

By Mr. Manley:

H. 1030. Proposing an amendment to the Constitution of Alabama authorizing the incorporation in Marengo County of port authorities for the purpose of the development and commercial use of the inland waterways in such county.

The above Bill was read a second time at length as required by the Constitution.

By Messrs. Brindley, Ford, Rich and Taylor (with notice and proof):

H. 1043. To permit banks now or hereinafter situated in, or having a branch in, Etowah County to establish, maintain and operate branch banks and branch offices within the limits of said county for the conduct of a general banking and trust business; and to repeal conflicting laws.



By Messrs. Kinsey and McMillan:

H. 1059. Relating to counties having populations of not less than 57,000 nor more than 61,000 inhabitants according to the 1970 or any subsequent federal decennial census; so as to provide for the regulation of the construction of water wells, within counties to which this act applies, to provide for the licensing of water well drillers, to provide for the promulgation and publication of rules and regulations to effectuate the provisions of this act, creating boards to be known as the County Water Well Standards Boards, to provide for the qualification, appointment and removal of board members and the filling of vacancies and fixing their tenure of office, providing penalties for violation of this act, and repealing conflicting laws.

By Messrs. Robertson, Johnson, Howard and Owens (with notice and proof):

H. 1058. To amend and reenact Act No. 1248, H. 1567 of the Regular Session of 1969 (Acts of 1969, p. 2349), so as to incorporate into such act provisions authorizing each of the several governing bodies forming the Tuscaloosa County Park and Recreation Authority to withdraw therefrom and regulating such withdrawals; and to give such amendments retroactive effect.

By Mr. Cross:

H. 1080. To repeal Act No. 714, H. 1116 of the Regular Session of 1976, entitled "An Act To apply only in counties having a population of not less than 27,000 nor more than 27,900 according to the 1970 or any subsequent federal decennial census, fixing the expense allowance of the civil defense coordinator"; and to give this act retroactive effect.

By Mr. McNees:

H. 1096. Relating to counties having a population of not less than 14,000 nor more than 15,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide certain county officials of such counties with additional allowances.

By Messrs. Williams and Sasser (with notice and proof):

H. 1107. To alter or rearrange the boundary lines of the City of Daleville, Dale County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits, and also certain other territory in Dale County, Alabama.

By Messrs. Kinsey and McMillan:

H. 1105. To provide that all real estate shall be assessed for ad valorem tax purposes according to its value in actual use and not according to any speculative or potential use in all counties having populations of not less than 57,000 nor more than 61,000 inhabitants according to the 1970 or any subsequent federal decennial census.

By Mr. McCluskey:

H. 1121. Relating to counties having a population of not less than 10,660 nor more than 10,900 according to the 1970 or any subsequent federal decennial census; to provide for the payment of certain expenses for the Judge of Probate and Chief Clerk.

By Mr. Fine:

S. 365. Relating to counties having a population of not less than 23,900 nor more than 24,450 inhabitants according to the 1970 or any subsequent federal decennial census; and exempting local school board members in such counties from the prohibition of being employed by the local school board.

By Mr. Fine:

S. 367. Relating to counties having a population of not less than 23,900 nor more than 23,450 inhabitants according to the 1970 or any subsequent federal decennial census; providing for the expense allowance for members of the county board of education; and repealing conflicting laws.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Jones (With Amendment):

S. 548. Relating to counties having a population of not less than 150,000 nor more than 180,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide for a county supplement to the state pay for the district judges in such counties.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Fine:

S. 568. Relating to the thirty-fourth judicial circuit, authorizing the clerk of the circuit court to appoint a full-time clerk, and providing that the said clerk's salary shall be payable from the county composing the circuit.

By Mr. Bank (with notice and proof):

S. 738. Relating to Pickens County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner, and repealing conflicting laws.

By Mr. Owen:

S. 740. To allow prospective jurors in capital cases to be excused without the presence of the defendant in the twenty-eight judicial circuit of Alabama.

By Mr. Baker (with notice and proof):

S. 754. To further amend Section 13 of Act 418, S. 358, approved November 13, 1959 (Acts 1959, p. 1107), which Act authorized the governing body of DeKalb County, Alabama to impose a certain gasoline excise tax within said county so as to provide further for the disposition of the proceeds from such tax.

By Mr. St. John (with notice and proof):

S. 755. Relating to Cullman County; to authorize and permit "flea" markets in said county to remain open for business during certain hours on Sunday; to provide for the licensing of such "flea" markets and to authorize the State to enjoin such "flea" markets from remaining open on Sunday contrary to this Act.

By Messrs. Fine and Peden:

S. 763. To authorize and provide for maintenance by the State Highway Department of all roads and drives whether located on state-owned rights-of-way or not, which serve cemeteries, churches, mail routes and bus routes in any county having a population of not less than 23,900 nor more than 24,450 according to the 1970 or any subsequent federal decennial census.

By Mr. Jones (with notice and proof):

S. 653. To provide for the reopening of the Employees' Retirement System of the City of Montgomery in Montgomery County to those employees with prior service, who either declined membership at the time of establishment, or who have nonmembership service but who later joined the Employees' Retirement System; to reopen said system to employees who have creditable service for which they are ineligible to gain credit for reasons other than nonmembership; and to repeal all conflicting statutes.

By Mr. St. John (with notice and proof):

S. 736. Relating to Cullman County; providing for and regulating county purchasing and the custody and use of certain county property; divesting the highway department of certain county functions and duties in relation to roads and bridges in such county, heretofore transferred to it, and revesting such functions in the Cullman County governing body; providing for the construction, maintenance and repair of county roads on the unit basis; providing for the transfer of certain funds, equipment, material and personnel from the state highway department to the county governing body; providing for the payment of salaries of certain county employees; providing that this act shall become effective only upon approval at a referendum election.

Mr. Jones, Chairman of the Standing Committee on State Government, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Ellis and Perloff:

S. 201. To require the Building Commission to promulgate and enforce the use of energy conserving building design and construction standards for all new or remodeled state owned and public building.

By Mr. Owen:

S. 599. To provide further for the retirement of beverage control agents, license inspectors and other law enforcement officers of the Alabama Alcoholic Beverage Control Board, to allow such officers to retain their badges, commissions and certain other equipment as the board may authorize.

Mr. Jones, Chairman of the Standing committee on State Government, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Goodwin, Noonan, Miller, Teague and Vacca (With Substitute):

S. 544. To amend Code of Alabama, 1940, Title 35, Section 187, relating to the corporate body of the Armory Commission, so as to extend the succession of its corporate name from thirty years to as long as there exists in the State of Alabama a National Guard or Militia of Alabama.

### UNFINISHED BUSINESS BILLS ON THIRD READING

The Senate proceeded to consideration of the Unfinished Business for today, the first item of which was the Bill:

S. 431. To authorize any city in the State of Alabama having a population of 34,000 or more according to the last or any subsequent federal census to plan, establish, develop, acquire, construct, enlarge, improve, maintain, equip, operate, regulate and protect any building, structure, land, right of way, equipment or instrumentality used or useful in connection with construction, equipping, development, maintenance or operation of any area or building for off-street parking of motor vehicles (defined as parking facilities), to finance the cost of parking facilities in whole or in part by the issuance of bonds, warrants, notes or other evidences of indebtedness and pledge to the payment thereof its full faith and credit and any tax, license or revenues which the city may then be authorized to pledge to the payment of bonded or other indebtedness; to lease or let parking facilities or any one or more of them to such tenant or tenants for such periods and for such compensation or rental and on such conditions as the governing body of the city may prescribe; to fix, establish, collect and alter parking fees, tolls, rents and other charges for the use of any parking facility; to make and enforce rules and regulations governing the use of any parking facilities owned or operated by the city and to execute such contracts and other instruments and to take such other action as the governing body of the city may deem necessary or convenient in connection with parking facilities.

The question was on the motion of Mr. Perry that further consideration of the Bill, S. B. 431, be postponed until the Twenty-Seventh Legislative Day.

On motion of Mr. Peden, the motion to postpone was laid on the table.

And said Bill, S. B. 431, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 1.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Goodwin, Higginbotham, Jones, King, Littleton, McDonald (A), McDonald (S),

McMillan, Miller, Mims, Mitchell, Owen, Pearson, Peden, Roberts, St. John, Teague, Vacca, Wilson.

—25

Nay: Mr. Little.

—1

The Senate then proceeded to consideration of the second item of Unfinished Business for today, which was the Bill:

S. 62. To authorize and provide for the issuance of revenue bonds for the purpose of providing for the construction, reconstruction, improvement, alteration, enlargement and equipment of public office building facilities and of annexes, additions and enlargements of such buildings and for the acquisition of sites therefor; to authorize and provide for the establishment of a public corporation, to be known as the Alabama Capitol Building Authority, to issue such bonds; to provide that a part of the proceeds of such bonds shall be used by the authority established hereunder for the purpose of providing such public office building or buildings for the legislative branch of the government of the State of Alabama, that a part of such proceeds shall be used by the Alabama Building Authority for the purpose of constructing, altering and improving the public office building facilities heretofore constructed by such authority or for constructing and equipping of annexes, additions or enlargements of such building, and the remainder of the proceeds of such bonds shall be used by the Alabama Building Finance Authority for the purpose of constructing, altering and improving public office building facilities heretofore constructed by such authority or for constructing and equipping of annexes or additions to such buildings; to authorize the issuance of refunding bonds; to provide for the investment of the proceeds from the sale of such bonds; to provide that all properties procured, constructed or improved or enlarged with the proceeds of any bonds hereby authorized and the income therefrom and all bonds issued pursuant to this act and the income therefrom and all leases made and all lien notices filed relative to buildings or additions constructed, altered, improved or equipped pursuant to this act, shall be exempt from all taxation in the State of Alabama; to provide that such bonds shall constitute negotiable instruments; to provide that such bonds shall be payable solely out of revenues of the several authorities, respectively, and shall not create an obligation or debt of the state; to provide that any bonds issued pursuant to this act may be used as security for deposits and investment of public funds and fiduciary funds; to specify the application of the proceeds of the bonds issued pursuant to this act; to provide for the construction of public office building facilities, the alteration, construction of annexes or additions to, and improvement of public office building facilities and for the equipment of such facilities or additions thereto by the several authorities above listed; to authorize the conveyance to each of said authorities of lands owned by the State; to create a reserve fund for the benefit of the bonds issued pursuant to this act; to authorize the authority established hereunder to pledge such revenues from any facilities constructed under authority of this act as may be necessary to pay the principal of and interest on its bonds; to authorize the filing for record of an instrument reciting the issuance of said bonds and the creation of said pledge as a lien on said revenues which filing will constitute constructive notice; to provide that the state treasurer shall be the custodian of the funds of the authority; to provide for the lease to and by agencies, boards, commissions, public corporations, bureaus and departments of the State of Alabama and of the United States, and private parties of space for

occupancy in said facilities or additions thereto; and to authorize publication of notice of each resolution authorizing any bonds or pledge and to specify a limitation of time thereafter for actions or defenses respecting said bonds or pledge.

as amended, and pending amendment.

On motion of Mr. Powell, further consideration of the Bill, S. B. 62, was postponed temporarily as Unfinished Business.

### RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 317. RESOLVED by the Senate that the following business in the order named be made the special, paramount and continuing order of business immediately upon the adoption of the resolution for the 18th Legislative Day only; taking precedence over all other business and the regular order of business for said legislative day:

1. Bill No.	Page No.	Description
H. B. 338	137	Secretaries for Chief Justice
H. B. 91	104	Municipal recreation
S. B. 11	16	Cert. professional secretaries
S. B. 105	18	College residency requirements
S. B. 593	83	Solid Waste
S. B. 492	83	Waste disposal
S. B. 734	124	Bail bonds
H. B. 89	114	Sick leave
S. B. 148	27	Election reform

#### 2. All uncontested local bills.

The bills specified in paragraphs 1 and 2 above shall be considered during the hours of 9 a.m. and 10:50 a.m. only. It being understood and agreed that the bills being considered at 10:50 a.m. shall be carried over on motion to the next legislative day.

#### 3. The unfinished business of the Senate as reflected by the Regular Calendar.

#### 4. Be it further resolved that bills may be introduced at any time and Standing Committees be allowed to report out of order at any time during the day.

On motion of Mr. Littleton, said resolution was adopted by the Senate.

### RECESS

At 9:15 A.M., on motion of Mr. Baker the Senate took a recess until 9:25 A.M.

The recess period having expired, the Senate was called to order by Lieutenant Governor Beasley. A quorum of the Senate was present.

### SPECIAL ORDER

#### BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

H. 338. To provide that the Administrative Director of Courts, with the approval of the Chief Justice, is authorized to appoint and employ not more than two confidential secretaries who shall serve at the pleasure of the Chief Justice; said secretary or secretaries shall be subject to the Merit System Act only as to pay plan, and shall be assigned to assist retired justices or judges who perform active duty for the Supreme Court or one or both of the courts of appeals.

And said Bill, H. B. 338, was read a third time at length and passed.

Yeas 26; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Powell, Roberts, St. John, Vacca, Wilson.

—26

*Nays:*

—0

The Bill:

H. 91. To authorize each municipality in this state to acquire, finance, establish, own, use, operate, manage and control parks, playgrounds and recreational or athletic areas situated wholly or in part outside of its corporate limits; to provide the conditions upon which a park, playground, or recreational or athletic area may be used or established within the corporate limits or police jurisdiction of another municipality or within a county other than that in which a municipality establishing the same shall be situated; to provide that all authority heretofore and hereinafter granted to municipalities with respect to parks, playgrounds and recreational or athletic areas within the corporate limits of a municipality shall be applicable to and may be exercised by a municipality with respect to any park, playground or recreational or athletic area located wholly or in part outside its corporate limits; to provide that a municipality may join and cooperate with one or more municipalities in acquiring, financing, refinancing, providing, establishing, installing, using and managing parks, playgrounds, and recreational or athletic areas, making the same common to the use of such municipalities and in fixing and charging fees and making rules and regulations for the conduct, management and use thereof and providing that all municipalities shall jointly have the same powers and authorities conferred by the act upon each; to authorize governing bodies of two or more municipalities to establish jointly an authority as a public corporation for the purposes of acquiring, financing, refinancing, providing, establishing, installing, using of managing parks, playgrounds, and recreational or athletic areas, making the same common to the use of such municipalities or in fixing and

charging fees and in making rules and regulations for the conduct, management and use thereof; to provide that neither the act nor anything therein contained shall be construed as a restriction or limitation upon any power which a municipality might otherwise have under any laws of the state.

Was read a third time at length and passed.

Yeas 26; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Owen, Pearson, Peden, Powell, Roberts, St. John, Vacca.

—26

*Nays:*

—0

The Bill:

S. 11. To provide for an automatic pay increase to state, county, and municipal employees who pass the certified professional secretary examination.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 2.

*Yeas:*

Messrs. Adams, Clemon, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Powell, St. John, Vacca, Wilson.

—23

*Nays:* Messrs. Baker, Edwards.

—2

Messrs. Little and McMillan requested and received unanimous consent to have their names added as co-sponsors of the above Bill.

The Bill:

S. 105. Providing further for the residency requirement at institutions of higher learning for any student if one of the student's parents or legal guardians is either an employee of a United States Senator or Congressman representing this state or an officer or employee of the Executive Branch of the federal government on appointment by the President of the United States.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Goodwin,



Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Peden, St. John, Vacca, Wilson.

—21

*Nays:*

—0

The Bill:

S. 593. To amend the Solid Wastes Disposal Act, being Act No. 771, Acts of Alabama 1969 (p. 1373), as amended by Act No. 2247, Acts of Alabama 1971 (p. 3604), and appearing as Title 22 §§ 346-351, inclusive, Code of Alabama, 1940 (recompiled 1958), as amended; to define residential and commercial type units; to define and make mandatory the responsibility of municipalities and counties to make available to the general public a system for the collection and disposal of solid wastes; to authorize the governing body of municipalities and counties to enter into non-exclusive or exclusive contracts with private agencies for the collection and disposal of solid wastes, except that no exclusive contract for the collection for commercial type units shall be entered into by counties having a population of more than 75,000 according to the last decennial census; to provide for the method of letting exclusive contracts with private agencies and certain requirements with respect thereto; and to repeal all laws in conflict herewith.

was taken up.

The Standing Committee on Health and Welfare reported the following amendment to the Bill, S. B. 593, to-wit:

#### COMMITTEE AMENDMENT TO S. B. 593

Amend Senate Bill No. 593, section 2(a), page 5, line 27, by adding the words "municipal or" before the words "county governing body"

Which was adopted.

Yeas 20; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Goodwin, Higginbotham, Jones, King, Little, McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Vacca, Wilson.

—20

*Nays:*

—0

And said Bill, S. B. 593, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Owen, Pearson, Peden, Powell, Roberts, Vacca, Wilson.

—24

Nays:

—0

The Bill:

S. 492. To vest regulatory authority over hazardous wastes management in the State Board of Health; to authorize the Board to purchase, lease, and administer lands to be used as disposal sites for hazardous wastes; to vest perpetual responsibility for such sites in the State of Alabama; to establish the Hazardous Wastes Technical Advisory Committee; to place certain responsibilities for hazardous waste management upon the Board of Health, generators of waste, transporters, and persons operating disposal treatment or disposal sites; to require permits to transport and operate treatment or disposal sites for hazardous wastes; to require reporting of wastes generated by the generator as such; to require the use of a manifest; to provide for penalties and remedies; to provide for administration and enforcement; to declare violations to be a public nuisance per se; to allow appeal; and to establish the Hazardous Wastes Management Fund and to make appropriations therefrom.

was taken up.

The Standing Committee on Health and Welfare reported the following substitute for the Bill, S. B. 492, to-wit:

#### COMMITTEE SUBSTITUTE FOR S. B. 492

##### A BILL TO BE ENTITLED AN ACT

To vest regulatory authority over hazardous waste management in the State Board of Health: to authorize the Board to accept and administer lands to be used as disposal sites for hazardous wastes; to vest perpetual responsibility for such sites in the State; to establish the Hazardous Wastes Technical Advisory Committee; to place certain responsibilities for hazardous waste management upon the Board; to empower the Board to develop and revise criteria for identifying hazardous wastes and to list such wastes; to empower the Board to adopt and revise rules and regulations, guidelines, criteria and standards; to require permits for hazardous waste management practices and establish procedures for such permitting; to require generators of hazardous wastes to dispose of such wastes in an approved manner; to place certain responsibilities upon generators of hazardous wastes, transporters of hazardous wastes and operators of hazardous waste storage and treatment facilities and disposal sites; to require the use of a manifest; to require the reporting of wastes generated by the generator; to provide for penalties and remedies; to provide for administration and enforcement; to allow appeal; and to establish the Hazardous Wastes Management Fund and to make appropriations therefrom.

Be It Enacted by the Legislature of Alabama:

Section 1. Short Title—This may be cited as the “Hazardous Wastes Management Act of 1977.”

Section 2. Legislative Finding, Purpose and Intent—The Legislature finds that increasing quantities of hazardous wastes are being generated in the State and that without adequate safeguards from the point of generation through handling, processing, and final disposition,

such wastes can create conditions which threaten human or animal health and the environment. The Legislature, therefore, declares that in order to minimize and control any such hazardous conditions it is in the public interest to establish and to maintain a statewide program to provide for the safe management of hazardous wastes.

**Section 3. Definitions**—When used in this Act and except where the context prohibits, the following words and terms shall have the following meaning:

(1) **Board**—the State Board of Health as constituted by Title 22, Section 1, Code of Alabama, 1940 (Recompiled 1958), and includes the Committee of Public Health or State Health Officer when acting as the Board.

(2) **Disposal**—the ultimate introduction of hazardous wastes into the environment.

(3) **Disposal Site**—the location where any ultimate disposal of hazardous waste occurs.

(4) **Generator**—any person who utilizes any process which results in the production of hazardous waste.

(5) **Hazardous Waste**—a solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may

(a) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or

(b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed.

Radioactive waste and by-products as defined by Act 582, 1963, Regular Session are expressly excluded from this definition. This definition includes, but is not limited to, wastes that are listed as "hazardous" by the Board.

(7) **Hazardous Waste Management**—the systematic and comprehensive management of the generation, storage, transportation, treatment, recycling, recovery or disposal of hazardous waste materials.

(8) **Hazardous Waste Technical Advisory Committee**—the committee as provided in Section 10 of this Act.

(9) **Manifest**—the form adopted by the Board used for identifying hazardous wastes from the point of generation to the point of final disposition.

(10) **Person**—any individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, State, municipality, commission, political subdivision of a state, any interstate body, or any other private or public legal entity.

(11) **Solid Waste**—any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not

include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under section 402 of the Federal Water Pollution Control Act, as amended (86 Stat. 880), or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954 as amended (68 Stat. 923).

(12) Trade Secret—includes, but is not limited to, any formula, plan, pattern, process, tool, mechanism, compound or procedure as well as production data or compilation of information, financial and marketing data, which is not patented, which is known only to certain individuals within a commercial concern who are using it to fabricate, produce or compound an article of trade or a service having commercial value, and which gives its user an opportunity to obtain a business advantage over competitors who do not know of it.

(13) Transportation—the movement of wastes from the point of generation to any intermediate transfer points, and finally to the site of final disposal.

(14) Treatment—the physical or chemical treatment, recovery, detoxification, neutralization, incineration, biodegradation, separation, fixation, or otherwise modification of a potentially hazardous waste to remove or reduce its harmful properties of characteristics.

(15) Treatment Facility—a location at which wastes are subjected to treatment and may include a facility where waste has been generated.

(16) Storage—the actual or intended containment of wastes, either on a temporary basis or for a period of years, in such a manner as not to constitute disposal of such wastes.

(17) Waste—any material which is to be discarded by the generator whether use or refuse is or is not intended.

Section 4. Regulatory authority vested in State Board of Health—The Board has exclusive regulatory authority over all hazardous waste transporting, storage, treatment and disposal or other management practices in the state insofar as these wastes affect the public health and environment and shall from time to time investigate and monitor sources, transportation, storage, treatment, and disposal of hazardous waste.

Section 5. State Board of Health is authorized to accept lands—The Board is authorized to acquire by acceptance any and all lands, buildings and grounds where hazardous wastes produced by industrial, medical, agricultural, scientific, or other organizations, can be concentrated, stored, or otherwise disposed of in a manner consistent with the protection of the public health.

Section 6. Operation of Disposal Sites Under Direct Control and Regulations of Board—The operation of any and all sites for the concentration, storage, treatment, or disposal of hazardous wastes, shall be under the direct regulation and supervision of the Board and shall be in accordance with rules and regulations promulgated and enforced by the Board to protect the public health and environment.

Section 7. State Responsibility Vests in Perpetuity—It is recognized by the legislature that designated sites used for the concentration, storage, or disposal of hazardous wastes, will represent a continuing and perpetual responsibility in the interests of the public health

and environment and that the same must ultimately be reposed in a sovereign government without regard for the existence or non-existence of any person or any particular agency, instrumentality, department, division or officer of the sovereign government. In all instances, lands, buildings, and grounds which are to be designated as sites for the concentration, storage, or disposal of hazardous wastes, shall be acquired by its owner in fee simple absolute and dedicated in perpetuity to such purposes. All rights, title, and interest in, of and to any hazardous wastes accepted by the Board for permanent storage or disposal at facilities accepted by the Board, shall upon acceptance of the said waste, become the property of the State of Alabama and shall be in all respects administered, controlled, and disposed of, including transfer by sale, lease, loan or otherwise, by the Board in the name of the State.

Section 8. Hazardous Wastes Technical Advisory Committee—There is hereby created an advisory group to be known as the "Hazardous Wastes Technical Advisory Committee".

(1) The Committee shall consist of eleven (11) members appointed by the Governor, within ninety (90) days of the effective date of the Act. Initially, four (4) members shall be appointed for four (4) year terms, three (3) for three (3) year terms, two (2) for two (2) year terms, and two (2) for one (1) year terms; thereafter, appointments shall be for four (4) year terms beginning as their predecessor's terms expire. No member may serve more than two (2) successive four (4) year terms.

(a) One member shall be recommended for appointment by the State Geologist from the Staff of the Geological Survey of Alabama;

(b) One member shall be recommended for appointment by the Commissioner of Conservation and Natural Resources from the Staff of the Department of Conservation and Natural Resources;

(c) One member shall be recommended for appointment by the Commissioner of Agriculture and Industries from the staff of the Department of Agriculture and Industries;

(d) One member shall be recommended for appointment by the State Health Officer from the staff of the Environmental Health Administration, Department of Public Health.

(e) One member shall be recommended for appointment from the Alabama Conference of Consulting Engineers from its membership;

(f) Two technical members shall be recommended for appointment from industries generating hazardous waste in the State of Alabama.

(g) One member shall be recommended for appointment by the President of Auburn University from the engineering faculty thereof;

(h) One member shall be recommended for appointment by the President of the University of Alabama from the engineering faculty thereof; and,

(i) Two members shall be appointed from the general public.

(2) Members of the Hazardous Wastes Technical Advisory Committee shall serve without compensation, but shall be entitled to per diem and reimbursement for travel and expenses incurred as a result of official committee business, in accordance with State Law.

(3) Each member shall hold office until his successor has been appointed.

(4) Not more than thirty days after the appointment of the committee, the State Health Officer shall call a meeting at which time the committee shall elect officers and establish procedures for the conduct of its business. The committee shall meet at least once each quarter of each year, and other meetings may be called when necessary by the chairman or a quorum at any time. Failure of any member of the committee to attend at least one-half of all regular and called meetings within one year, shall constitute grounds for his removal from the committee by the Governor. Any person so removed by the Governor, upon the recommendation of the Board or group whose representation on the committee was vacated by such removal, may be reconsidered for re-appointment to the committee.

(5) The committee shall elect a chairman, a vice-chairman, and a secretary.

(6) The committee shall:

(a) Review and evaluate policies and programs of the State relating to transporting, treatment, and disposal of hazardous wastes, and shall advise the Board of its opinions and findings;

(b) Advise the Board on any matters submitted to the committee by the Board and propose, oppose, recommend or disapprove, in an advisory capacity any matter that may come before the Board.

(7) The Board shall not be bound by any recommendations of the committee.

Section 9. General Board Responsibilities—The responsibility of the Board includes the following:

(1) The Board may adopt procedures for granting variances and is empowered to grant such variances.

(2) The Board shall establish procedures to ensure that trade secrets used by any person regarding methods of hazardous wastes handling and disposal are utilized by the Board, or any authorized representative of the Board, only in connection with the responsibilities of the Board pursuant to this Act, and that such trade secrets are not otherwise disseminated by the Board, or any authorized representative of the Board without the express written consent of the affected person.

(3) The Board shall have authority under emergency conditions to direct, suspend or otherwise require hazardous wastes to be stored, processed or disposed. Each such action or suspension of the regulations shall be reviewed by the Hazardous Waste Technical Advisory Committee.

(4) The Board shall take all appropriate measures to monitor and enforce rules and regulations pertaining to hazardous waste handling, processing, and disposal.

(5) The Board shall maintain records and through a system of recordkeeping tabulate the volume, nature, and location of hazardous wastes generated, transported from the State, and/or disposed of within the State.

(6) The Board is authorized to seek and to receive Federal funds, grants, and services applicable for hazardous wastes management programs.

(7) The Board shall establish procedures for the evaluation and coordination of research and development regarding methods of hazardous waste transporting, storage, treatment, and disposal and may enter into contracts in order to conduct appropriate studies relating to hazardous wastes.

Section 10. Criteria for Determining Hazardous Waste. The Board shall develop and revise criteria for identifying hazardous waste in accordance with the procedures required by Section 11. The proposed criteria shall be reviewed by the Hazardous Waste Technical Authority Committee prior to promulgation by the Board. Opportunity for appeal shall be allowed after promulgation of the criteria.

(1) When developing these criteria, the Board shall determine whether the concentrations being disposed of present immediate persistent toxic hazards to man and wildlife or the resistance to natural degradation or detoxification or are bioconcentrative, flammable, reactive, toxic, irritating, corrosive or infectious in addition to any hazardous characteristics.

(2) The Board shall compile and revise from time to time thereafter, a listing of wastes which have been determined to be hazardous by using these criteria.

(3) The Board shall to the extent feasible consider actions taken by contiguous states and the Federal government for the development and application of uniform criteria.

Section 11. Regulations, Guidelines, Criteria, and Standards. The Board shall adopt, and may revise when appropriate, rules and regulations, guidelines, criteria and standards for all hazardous waste management practices.

(1) Before adopting or revising any rules and regulations, and standards, the Board shall consult with the appropriate agencies of local government, and secure technical assistance from the Water Improvement Commission Technical Staff and any other appropriate state agencies.

(2) Before adopting or revising rules and regulations, guidelines, criteria, and standards for hazardous waste management practices, the Board shall hold at least one public hearing in Montgomery, or in its discretion, in a city within the area of the state to be affected by the proposed rules and regulations, guidelines, criteria, or standards.

(3) The Board may consider the adoption of varying guidelines and standards for different areas of the State depending on population density, climate, geology, and other factors relevant to hazardous waste management.

(4) No action of the Board shall preclude the right of appeal.

Section 12. Permit Program. Not later than six months after the date of enactment of this Act, the Board shall promulgate a permit program for hazardous waste management practices and promulgate criteria for issuing permits and regulations identifying procedures for obtaining permits or approval.

(1) The Board shall encourage and utilize to the maximum extent private enterprise and investment capital in the planning, design, construction, and operation of hazardous waste processing facilities and disposal sites.

(2) General Requirements:

(a) The Board shall issue permits for all hazardous waste transportation, storage or treatment facilities, and disposal sites constructed and operated in compliance with the regulations, guidelines and standards promulgated by the Board. The Board must approve or disapprove the application within ninety (90) days. Any application not receiving action by the Board in the specified time shall be considered approved.

(b) Upon filing of an application by any person proposing to transport, store, treat, or dispose of hazardous wastes, the Board is authorized to investigate the equipment, facilities, and proposed practices of the applicant, and all other circumstances and conditions deemed material by the Board. The Board is authorized to collect from the applicant, an amount equal to its expenses in making the investigation.

(c) No person shall engage in transporting, storage, treatment, or disposal of hazardous wastes, without a permit or prior approval from the Board. Generators of hazardous waste who merely concentrate and/or prepare such waste for shipment and do not engage in the transportation, storage, treatment or disposal of hazardous wastes are exempt from the permit requirement.

(d) Any person proposing to transport hazardous waste or to construct and operate a site for the storage, treatment and/or disposal of hazardous wastes shall submit, prior to the granting of any permit, a surety bond in which the applicant is the principal obligor and the Board is the obligee or evidence satisfactorily to the Board of a net worth of an amount equal to ten times the value of the proposed surety bond. The amount of the bond shall be determined by the Board in each individual case based upon the scope and size of the operation proposed. The Board shall not require a bond, if any, in a sum greater than one million dollars (\$1,000,000).

(e) No person shall commence construction of any proposed facility or site without having first filed an application for and received a construction permit from the Board.

(f) No person shall commence operation of any hazardous waste transportation, storage or treatment facility or disposal site without having first obtained a permit from the Board.

(g) No person shall deliver any hazardous wastes to a hazardous waste transportation, storage or treatment facility or hazardous wastes disposal site which has not received a permit for the Board.

(h) Ownership of hazardous waste shall transfer upon receipt of the hazardous waste unless otherwise provided.

(i) Existing facilities and sites shall be granted a permit variance subsequent to sufficient evidence being presented at a hearing to assure that the facility is or will be within a reasonable period of time, in compliance with the rules and regulations, guidelines, criteria, and standards promulgated by the Board.



(j) Permits or licenses for all hazardous waste transportation, storage or treatment facilities and disposal sites previously issued by the Board or by any other agency of the State under any statute shall continue in effect for a minimum period of sixty (60) days following the effective date of the rules and regulations promulgated under this Act and for such additional period as the Board may by rule establish.

(k) No provision of this Act shall be construed to prohibit disposal of hazardous wastes at the site of production or generation if the disposal site is in compliance with this Act or rules and regulations promulgated hereunder.

**Section 13. Generator of Hazardous Waste—**All persons generating hazardous wastes shall dispose of such wastes in accordance with one of the following methods which shall be detailed by regulations;

(1) A generator may reprocess and reuse such wastes or may contract with other persons to reprocess and reuse such wastes in a manner consistent with this Act or rules or regulations promulgated hereunder;

(2) A generator may dispose of such wastes at its own private site provided such site is operated under a valid permit from the Board.

(3) A generator may dispose of such wastes at a privately operated disposal site provided such site is operated under a valid permit from the Board or if out of state, approved by that state's approving authority.

(4) A generator may contract with a private transporter to dispose of such wastes provided that the transporter is operating under a valid permit for the Board and disposes of the waste at a site which is operated under a valid permit by the Board, or if out of state, approved by the state's approving authority.

(5) A generator may dispose of such wastes at a public site operated under a valid permit from the Board, or if out of state, approved by that state's approving authority.

**Section 14. Generators Responsibilities—**The generator of hazardous waste shall be responsible for the following:

(1) Properly identify wastes that are hazardous by initiating use of a manifest;

(2) Properly label hazardous wastes;

(3) Assure that all hazardous wastes generated, are treated or disposed of in permitted treatment facilities or disposal sites; and,

(4) Maintain records of hazardous wastes produced and disposed of.

**Section 15. Transporters Responsibilities—**The transporter of hazardous wastes shall be responsible for the following;

(1) Complete the manifest form in conjunction with the generator;

(2) Assure that all hazardous wastes are brought to a permitted hazardous waste treatment facility or disposal site; and,

(3) Maintain records of hazardous wastes transported.

**Section 16. Responsibilities of Hazardous Waste Storage and Treatment Facility and Hazardous Waste Disposal Site Operators.** The

operator of a hazardous waste storage or treatment facility and/or hazardous waste disposal site shall be responsible for:

- (1) Obtaining a permit from the Board for each disposal site;
- (2) Acknowledging receipt of the hazardous waste accompanied by the manifest;
- (3) Assuring that all hazardous wastes are stored, treated and/or disposed of in accordance with the applicable rules and regulations, standards, criteria and guidelines promulgated by the Board;
- (4) Maintaining records of all hazardous wastes stored, treated and/or disposed of and report any new processing or disposal annually;
- (5) Developing contingency plans for effective action to minimize unanticipated damage for treatment, storage, or disposal of hazardous waste.

Section 17. Manifest. The Board shall develop and promulgate a manifest. The Hazardous Waste Technical Advisory Committee shall review the manifest and submit recommendations to the Board.

(1) The Board shall, after publication of notice and conduct of a public hearing, promulgate a manifest to be originated by the hazardous waste generators in accordance with the regulations promulgated by the Board.

(2) After six months following the effective date of the regulations promulgated under this Act, a manifest shall be required to accompany transportation, storage, treatment and/or disposal of hazardous waste. The manifest shall be originated by the hazardous waste generator identifying the hazardous waste transported, the quantity of such waste, the general chemical, physical, and mineral composition of such waste identified by probable maximum and minimum percentages and such other information as the Board may require.

(3) A copy of the complete manifest shall be forwarded monthly to the Board by those processing hazardous wastes.

Section 18. Reporting of Wastes Generated. Every generator of hazardous wastes shall establish and maintain such records for a one year period; make such reports, and furnish such information pertaining to the generation of the said wastes as the Board shall require. Any records, reports, or information obtained from the generator under this section shall be available to the public, except that upon a showing satisfactory to the Board by the generator or any other affected person, that the records, reports, or information, or a particular part thereof, to which the Board has access, if made public, would divulge production cost, or sales figures or methods, processes or production unique to such persons, or would otherwise tend to affect adversely the competitive nature of such person's business by revealing trade secrets, the Board shall consider such records, reports, or information or particular portion thereof, trade secrets in the administration of this Act. Nothing herein shall be construed to prevent disclosures of any such report, records, or information to federal, state or local representatives as necessary for the purposes of the administration of any federal, state, local hazardous wastes control law, or when relevant in any proceeding under the Act; however, before such disclosure, said federal state or local representation shall be subject to the safeguards in this Act.

**Section 19. Penalties and Remedies.** Whenever the Board determines that any person is in violation of any requirement or standard under this Act or rules or regulations issued hereunder, the Board shall give written notice to such party of such violation.

(1) If such violation extends beyond the thirtieth day after notification by the Board, the Board may issue an order requiring compliance within a specified time period, or in cases where imminent danger to public health and safety is demonstrated, suspend operations causing such danger until the Board determines that adequate steps are being taken to correct such violations; or the Board may commence a civil action, in the Circuit Court in the county in which such alleged violation occurred, for appropriate relief, including temporary or permanent mandatory or prohibitive injunctive relief.

(2) Any order issued under this section shall state the nature of the violation and the time period within which compliance is required. The amount of any civil monetary penalty sought shall be determined by the Board on the basis of the seriousness of the violation and whether any good faith efforts were or are being made to comply with the applicable requirements or standards. If a person fails to take the corrective action required within the time specified in an order issued pursuant to paragraph two (2) of this section, he shall be liable for civil monetary penalty of not more than \$25,000 each day for the violation complained of in such order.

(3) Any order of suspension or revocation of a permit shall become final unless the person named in such suspension or revocation order requests a hearing within thirty days after the order or notice of suspension or revocation is served upon such person or persons. Upon such request, the Board shall promptly conduct a hearing.

(4) If a person fails to pay any civil monetary penalty assessed under this section, the Board may institute a civil action against such person in the Circuit Court of any county in which such a person is found, resides, or transacts business, to collect such penalty or cost. Such court shall have exclusive jurisdiction to hear and decide any such action. The court shall sustain the Board's finding of violation and assessment of civil penalty if such action is supported by a fair preponderance of the evidence.

(5) The Board is hereby authorized and empowered to compromise and settle any penalty under this section in such amount, which in the discretion of the Board may appear appropriate and equitable, to a maximum of ninety percent of the penalty when within one year or such other period as the Board may deem reasonable the person takes action to eliminate or correct such violation to the satisfaction of the Board.

(6) **Inspection.** For the purpose of implementing any regulation adopted pursuant to this Act or enforcing the provisions of this Act, any person transporting, storing, treating, or disposing of hazardous waste shall upon request of the Board, furnish or permit the Board or its duly authorized representative during reasonable hours to have access to those records relating specifically to such hazardous waste.

**Section 20. Administration—**To carry out the provisions and purposes of this Act, the Board is authorized and empowered to:

(1) Perform any and all acts necessary to carry out the purposes and requirements of this Act relating to the adoption and enforcement of criteria standards, rules, and regulations;

(2) Administer and enforce the provisions of this Act and all rules and regulations and order promulgated or issued hereunder;

(3) Enter into agreements, contracts, or cooperative arrangements under such terms and conditions as the Board deems appropriate, with other state, federal, or interstate agencies, local government units, political subdivisions, educational institutions, or other organizations or persons;

(4) Receive financial and technical assistance from the federal government and other public or private agencies;

(5) Participate in related programs with the federal government, other states, interstate agencies, or other public or private agencies or organizations;

(6) Establish adequate fiscal controls and accounting procedures to assure proper disbursement of and accounting for funds appropriated or otherwise provided for the purpose of administering this Act;

(7) Maintain such records under such conditions as may be required to fulfill the provisions of this Act;

(8) Delegate those responsibilities and duties as deemed appropriate for the purpose of administering the requirements of this Act;

(9) Promulgate such regulations as are necessary and appropriate to carry out the purposes of this Act;

(10) Issue such orders as are necessary to carry out the purpose of this Act;

(11) Enter upon, during reasonable hours, all disposal treatment facilities owned or controlled by persons subject to this Act to inspect, monitor or observe disposal treatment facilities;

(12) Encourage and utilize to the maximum extent, private enterprise and investment capital in the planning, designing, construction, and operation of hazardous wastes processing facilities and disposal sites.

**Section 21. Appeal**—Any person adversely affected by an order or action of, or the granting or refusal to grant; or suspension or revocation of, any permit by the Board after final administrative hearing, in a manner prescribed by the Board, shall have the right to review of the action in the Circuit Court of Montgomery, County or the Circuit Court of the county in which the person is found, resides, or conducts business.

**Section 22. Hazardous Waste Management Fund.** There is hereby established a special fund to be known as the Hazardous Waste Management Fund. All fees and penalties due and collected by whatever means under this Act shall be deposited in the said fund under the direction of the treasurer of the State of Alabama. All money in the said Hazardous Wastes Management Fund is hereby appropriated to the Department of Public Health to be used to carry out the purposes of this Act.

**Section 23. Act is Supplemental.** This act is intended to supplement existing law and no part thereof shall be construed to repeal any existing laws enacted for the protection of the public health, the protection, maintenance and improvement of the quality of public water supplies or the control of radiation.

Section 24. Severability. The provisions of this Act are hereby declared to be severable. Should any section or provision of this Act be held invalid or unenforceable by any court, the said holding shall not invalidate or render unenforceable the remaining sections or provisions hereof.

Section 25. Implementation. The implementation of this Act by the State Department of Public Health is contingent upon the availability of sufficient funds.

Section 26. Effective Date. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Which was adopted.

Yeas 24; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Owen, Pearson, Peden, Roberts, St. John, Vacca, Wilson.

— 24

*Nays:*

— 0

And said Bill, S. B. 492, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Roberts, St. John, Vacca.

— 24

*Nays:*

— 0

**The Bill:**

S. 66. To authorize any county or incorporated municipality to issue revenue bonds under the provisions of Subdivision 3 of Article 2 of Chapter 6 of Title 37 of the Code of Alabama of 1940, as amended, for the purpose of refunding the principal of any outstanding general or limited obligation warrants of any such county or incorporated municipality issued (directly or indirectly) for the purpose of financing the acquisition, improvement, enlargement, extension or repair of any water works system, gas system, electric system or sanitary sewer system or that were issued to refund any general or limited obligation warrant or warrants initially issued (directly or indirectly) for any such purpose or purposes, as well as for the combined purpose of refunding the principal of any such general or limited obligation warrants and any other purpose or purposes specified in Section 312 of Title 37 of the Code of Alabama of 1940, as amended.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 27; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Powell, Roberts, St. John, Vacca, Wilson.

—27

*Nays:*

—0

The Bill:

S. 734. To revise the present bail system, establishing four kinds of bail (PERSONAL RECOGNIZANCE, CASH, PROPERTY, PROFESSIONAL SURETY); and to establish rules, regulations, and laws to guarantee that all persons, regardless of the financial or social status, shall not needlessly be detained pending their appearance to answer charges; and to update laws which regulate bail bond companies; and to establish more lenient property bail; and said act shall be known as "The Alabama Bail Reform Act of 1977".

was taken up.

Mr. Edwards offered the following amendment to the Bill, S. B. 734, to-wit:

#### AMENDMENT TO S. B. 734

Amend Senate Bill No. 734 Page 3 Line 26, by inserting "when possible" after the words "Judicial officers" and on page 3, line 29 by inserting "when possible" after the words "Judicial Officers".

Which was adopted.

Yeas 19; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Edwards, Ellis, Higginbotham, Jones, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Roberts, St. John, Vacca.

—19

*Nays:*

—0

And said Bill, S. B. 734, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, Little, Littleton, McDonald (A), Miller, Mitchell, Noonan, Pearson, Peden, Powell, Roberts, St. John, Vacca.

—22

*Nays:*

—0

## RESOLUTION

Mr. Waldrop offered the following Senate Joint Resolution, to-wit:

S. J. R. 274. MOURNING THE DEATH OF JAMES BRUNSON BURKHALTER.

WHEREAS, the Legislature of Alabama has learned with a sense of loss and deep regret of the death of James Brunson Burkhalter on March 3, 1977 in Centre, Alabama; and

WHEREAS, J. B. Burkhalter, who was a native of Cherokee County, served for eight years in the State Legislature, and was the owner and operator of Burkhalter Chevrolet and Oldsmobile in Centre; and

WHEREAS, he was actively and deeply involved in the religious and civic affairs of his community as a member of the Centre First United Methodist Church, a member of the Centre Chamber of Commerce, and was a charter member of the Centre Lions Club; and

WHEREAS, Mr. Burkhalter was elected to the House of Representatives in 1950, serving his district and state with great ability and dedication from 1951-1959; and

WHEREAS, we shall sorely miss our beloved former colleague, a prominent and influential leader in his community and state whom we long admired and respected and were proud to call our friend; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do grievously mourn the death of James Brunson Burkhalter and express our deepest and most sincere sympathy to his wife, Mrs. Pearlie Arnold Burkhalter, his daughter, Mrs. Jean Cleveland, and other family members to whom copies of this resolution shall be sent.

On motion of Mr. Fine, the Rules were suspended and the Resolution was adopted by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Messrs. Lockett, Pegues and Edwards:

H. J. R. 427. COMMENDING THE SELMA HIGH SCHOOL SAINTS ON WINNING THE STATE 4A CROWN.

Also:

By Mr. McCluskey:

H. J. R. 431. CONGRATULATING MISS CARLA PARKER ON BEING NAMED "MISS COOSA COUNTY."

Also:

By Mr. McCluskey:

H. J. R. 437. COMMENDING C. DENNIS BUCKNER, NAMED SYLACAUGA'S MOST OUTSTANDING YOUNG MAN FOR 1976.

Also:

By Mr. Waggoner:

H. J. R. 441. COMMENDING THE THOMPSON HIGH SCHOOL BASKETBALL TEAM ON THEIR STATE 3A CHAMPIONSHIP.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolutions, H. J. R.'s 427, 431, 437 and 441, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

### BILLS ON THIRD READING RESUMED

The Bill:

H. 89. To provide sick leave for full-time support personnel who are non-certificated educational employees in city and county school systems and the Alabama Institute for Deaf and Blind.

was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, H. B. 89, to-wit:

### COMMITTEE AMENDMENT TO H. B. 89

Amend House Bill 89 on page 1, lines 12, 20 and 26 by adding the words "school bus drivers and" on each of these lines between the words "for" and "full-time."

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, Littleton, McDonald (A), McMillan, Miller, Mims, Mitchell, Owen, Pearson, Peden, Perloff, Roberts, St. John, Vacca, Wilson.

—25

*Nays:*

—0

And said Bill, H. B. 89, as thus amended, was read a third time at length and passed.

Yeas 30; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Jones, King, Little, Littleton, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Powell, Roberts, St. John, Teague, Vacca, Waldrop, Wilson.

—30



*Nays:*

—0

## MOTION TO RECONSIDER

Mr. Jones moved that the Senate reconsider the vote by which the Bill, S. B. 734, as amended, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

## BILLS ON THIRD READING RESUMED

The Bill:

S. 148. To amend Act No. 1196, S. 1018, 1975 Regular Session (Acts 1975, p. 2349) which relates to primary elections, so as to set the dates for primary elections in August, to change the timetable for declaration and certification of candidacy and to require public declaration of nominations on the date of the first primary election by parties or factions not holding primary elections.

was taken up.

On motion of Mr. Mitchell, further consideration of the Bill, S. B. 148, was postponed until the next Legislative Day as Unfinished Business.

The Bill:

S. 581. Relating to counties having a population of not less than 41,750 nor more than 45,000 according to the 1970 or any subsequent federal decennial census, to create and establish a board of jury supervisors in lieu of a jury commission, to define the power, authority, duties and jurisdiction of such board, to provide for the appointment, dismissal, method of filling vacancies and compensation of board members, to provide for the transfer of records to said board from the former jury commission, to provide for a quorum and to authorize the hiring of a clerk.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Clemon, Edwards, Ellis, Fine, Gilmore, Jones, King, Little, Littleton, McDonald (S), Miller, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Powell, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—25

*Nays:*

—0

The Bill:

S. 717. To amend further Section 18 of Act No. 403, H. 330, 1971 Regular Session (1971 Acts, p. 689), relating to the registration and licensing of barbers and barber apprentices, so as to add Russell County to the list of counties to which the Act does not apply.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Higginbotham, King, Little, Littleton, Miller, Mims, Mitchell, Owen, Pearson, Peden, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Wilson.

—25

*Nays:*

—0

The Bill:

S. 515. Relating to the 9th judicial circuit; to provide a salary increase for the secretaries of the circuit judges; and to make the provisions of this act retroactive to January 1, 1977.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Jones, King, Little, Littleton, McDonald (S), Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Roberts, St. John, Stewart, Teague, Waldrop.

—25

*Nays:*

—0

The Bill:

S. 517. To provide for a supplemental salary for the district attorney of the thirtieth judicial circuit, to be paid equally by the counties comprising such circuit; and to fix the amount and method of payment thereof.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Clemon, Edwards, Ellis, Fine, Gilmore, Jones, King, Little, Littleton, McDonald (S), Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Roberts, St. John, Stewart, Teague, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

S. 465. To amend Section 18 of Act No. 403, H. 330, 1971 Regular Session, approved August 19, 1971, entitled "An Act Requiring the registration and licensing of barbers and barber apprentices, and barber colleges, creating for the administration of this Act a State Board of Barber Examiners, and defining violation of this Act and prescribing penalties therefor," so as to add certain counties to the list of counties to which the Act does not apply.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Fine, Gilmore, Goodwin, Jones, King, Little, Littleton, McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, St. John, Shelby, Teague, Vacca, Wilson.

—25

*Nays:*

—0

The Bill:

S. 547. Relating to all counties having populations of not less than 125,000 nor more than 175,000 according to the most recent federal decennial census, to authorize and provide for an additional expense allowance for the sheriff of said counties.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Goodwin, Jones, Little, Littleton, McMillan, Miller, Mitchell, Owen, Pearson, Peden, Perloff, Powell, St. John, Shelby, Stewart, Teague, Vacca, Wilson.

—25

*Nays:*

—0

The Bill:

S. 651. Proposing an amendment to the Constitution of Alabama to abolish the office of constable in Morgan County.

Was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Fine, Gilmore, Goodwin, Jones, King, Little, McMillan, Miller, Mims, Mitchell, Owen, Pearson, Peden, Perloff, Powell, St. John, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

S. 664. To provide an additional clerk hire allowance for the probate judge in all counties having a population of not less than 16,275 nor more than 16,575 according to the 1970 or any subsequent federal decennial census, giving this act retroactive effect.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Ellis, Fine, Gilmore, Goodwin, Jones, King, Little, Littleton, McMillan, Miller, Mitchell, Owen, Pearson, Peden, Perloff, Powell, Roberts, St. John, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

S. 665. Relating to counties having populations of not less than 16,275 nor more than 16,575 according to the 1970 or any subsequent federal decennial census, establishing regular meeting dates for the county governing bodies of such counties, and providing retroactive effect.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Jones, King, Little, Littleton, McMillan, Miller, Mitchell, Owen, Pearson, Peden, Perloff, Powell, St. John, Shelby, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

S. 677. Relating to all counties having populations of not less than 35,000 nor more than 38,000 inhabitants according to the 1970 or any subsequent federal decennial census, to authorize and provide for an additional expense allowance for the sheriff of any such county.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Higginbotham, Little, McDonald (A), Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Powell, Roberts, St. John, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

S. 698. Relating to St. Clair County; prohibiting the use of any electronic amplifying device in hunting fox, and prescribing penalties.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Goodwin, Jones, King, Little, Littleton, McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Roberts, Shelby, Teague, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

S. 708. To prohibit the use of steel traps and similar devices and prohibiting the sale of any pelts taken in St. Clair County, Alabama, and to prescribe the punishment for violation of this act.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, S. B. 708, to-wit:

#### COMMITTEE AMENDMENT TO S. B. 708

Amend S. 708, page 1, lines 36, 37 and 38 by striking out Section 6 entirely and inserting in lieu thereof the following new section:

Section 6. This act shall be inoperative and void unless it shall have been approved by a majority of the qualified electors of St. Clair County voting thereon at a referendum election held for such purpose. The election shall be held and conducted as nearly as may be in the same manner as elections on amendments to the constitution, and shall be held on the same day as the next general or special election held in St. Clair County next following the final passage of this act. Notice of the election shall be given by the judge of probate of St. Clair County, which notice shall be published once a week for three successive weeks before the day of the election. On the ballots to be used at the election, the proposition to be voted on shall be stated substantially as follows:

“Do you favor the local law prohibiting the use of steel traps and similar devices in St. Clair County and prohibiting the sale of any pelts taken in St. Clair County? Yes ( ) No ( ).” If a majority of the votes cast are affirmative votes, this act shall be in full force and effect immediately thereafter. If a majority of the votes cast are in the negative, the act shall have no further effect. The judge of probate shall certify the results of the election to the secretary of state immediately after the returns have been certified.

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Goodwin, Jones, King, Little, Littleton, Miller, Mims, Mitchell, Owen, Pearson, Peden, Perloff, Powell, St. John, Shelby, Teague, Waldrop, Wilson.

—25

*Nays:*

—0

And said Bill, S. B. 708, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Gilmore, Goodwin, Jones, King, Little, McDonald (S), McMillan, Miller, Mims, Noonan, Owen, Pearson, Peden, Powell, Roberts, St. John, Shelby, Teague, Wilson.

—25

*Nays:*

—0

The Bill:

S. 713. Relating to Cullman County: to protect and preserve water purification and prevent water contamination by prohibiting strip mining of coal or other minerals in certain areas contiguous to Lewis Smith Lake in Cullman County; to prescribe penalties and sanctions for violations; and generally to promote the health and welfare of the inhabitants of Cullman County.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Goodwin, Jones, King, Little, Littleton, McMillan, Miller, Mims, Mitchell, Owen, Pearson, Peden, Perloff, Powell, St. John, Teague, Vacca, Wilson.

—25

*Nays:*

—0

The Bill:

S. 727. Relating to counties having a population of not less than 65,500 nor more than 75,200 according to the 1970 or any subsequent federal decennial census; to designate Highway No. 14 in such county a state highway.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Jones, King, Little, Miller, Mims, Mitchell, Noonan, Owen, Peden, Powell, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—25

*Nays:*

—0

The Bill:

H. 438. Relating to Chambers County; providing for the reorganization of the county board of education and providing for election and length of term for the new members of such board.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Higginbotham, Little, McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Roberts, Shelby, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 539. Relating to Winston County; providing for a county supplement for the district judge, and making the supplement retroactive to January 16, 1977.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Goodwin, Jones, King, Little, McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, St. John, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 540. Relating to Winston County; providing that the district judge in such county may employ a secretary and establishing her salary; providing that such salary shall be paid from the county funds and shall be retroactive to January 16, 1977.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Gilmore, Goodwin, Jones, King, Little, Littleton, Miller, Mims, Mitchell, Owen, Pearson, Peden, Perloff, Powell, St. John, Stewart, Teague, Vacca, Wilson.

—25

*Nays:*

—0

The Bill:

H. 764. Relating to any county having a population of not less than 27,000 nor more than 27,900 according to the 1970 or any subsequent

federal decennial census; exempting all volunteer fire departments within any such county from the payment of all state, county and municipal sales and use taxes.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Fine, Gilmore, Goodwin, Jones, King, Little, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 852. Relating to Baldwin County, to provide for the creation, incorporation, organization, operation, administration, and financing of one or more local public service districts within the county as public corporations so as to provide local fire fighting and prevention services; to provide for the fixing, levy and collection by such fire districts of rates, fees and charges for such services; to provide penalties for non-payment and liens upon the property within such districts; to provide for the borrowing of money and issuance of bonds and other obligations by or on behalf of such fire districts; providing that the qualified electors of any prospective fire district shall give their prior approval to the creation of any such district as well as the rates, fees, charges, bond or other indebtedness thereto in an election thereon; to provide an election procedure for such voter approval; to prescribe the organization, rights, powers and duties of such districts; to prescribe limitations on such rights and powers, and to repeal conflicting laws.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Gilmore, Jones, King, Little, Littleton, McDonald (S), Miller, Mims, Mitchell, Owen, Peden, Perloff, Powell, St. John, Shelby, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 853. To propose an amendment to the Constitution of Alabama which, if approved by the electors of this state, would authorize the Legislature, by general or local law, to provide for the creation, incorporation, organization, operation, administration and financing of one or more local districts within Baldwin County as public corporations to provide fire fighting and prevention services; to provide for the fixing, levy and collection by such fire districts of rates, fees and charges for such services, penalties for non-payment and liens upon the property within such district; to provide for the borrowing of money and the issuance of



bonds and other obligations by or on behalf of such districts; providing also that the qualified electors of any prospective fire district created by any law authorized by this proposed amendment shall give their prior approval to the creation of any such district or additions thereto and the rates, fees, charges, bond issue or other financing agreements thereto in an election thereon.

Was read a third time at length as required by the Constitution, and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Ellis, Fine, Gilmore, Goodwin, Jones, King, Little, McDonald (A), Miller, Mims, Mitchell, Owen, Peden, Perloff, Powell, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 876. Relating to counties having a population of not less than 21,000 nor more than 22,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide that the county commission in such counties may employ a secretary for the district court judge and to set said secretary's salary.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Jones, King, Little, Littleton, Miller, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Powell, Roberts, St. John, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 877. Relating to counties having a population of not less than 21,000 nor more than 22,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide that the county commission in any such county may employ up to three additional assistants in the circuit clerk's office and to provide the salary for such employees.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Jones, King, Little, McDonald (S), Miller, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Roberts, St. John, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 879. Relating to counties having a population of not less than 21,000 nor more than 22,000 according to the 1970 or any subsequent federal decennial census; to provide further for the salary and expense allowance of the superintendent of education.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Jones, King, Little, Littleton, Miller, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Roberts, St. John, Teague, Vacca, Wilson.

—25

*Nays:*

—0

The Bill:

H. 912. To further amend the Title and Section 1 of Act No. 1740, H. 2581, Regular Session 1971 (Acts 1971, p. 2906), as amended, relating to expense allowances for certain officials in counties having a population of not less than 36,500 nor more than 39,200, so as to change the words "judges of county inferior courts" to the word "magistrate"; to make such allowances mandatory; and to give this act retroactive effect.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Gilmore, Jones, King, Littleton, McDonald (S), McMillan, Miller, Mims, Noonan, Owen, Pearson, Peden, Perloff, Powell, Roberts, St. John, Shelby, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 930. Relating to all counties having a population of not less than 95,000 nor more than 115,000 according to the 1970 or any subsequent federal decennial census; to reimburse the office of license commissioner for any monetary loss resulting from the performance of official duties for errors or mistakes made in good faith, not to exceed a maximum of twenty-five hundred dollars per annum.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore,

Goodwin, Jones, King, Little, Miller, Mims, Noonan, Owen, Peden, Perloff, Powell, Roberts, St. John, Stewart, Teague, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 938. Relating to any county having a population of not less than 16,600 nor more than 16,950 according to the 1970 or any subsequent federal decennial census; providing an expense allowance for the sheriff in any such county.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Ellis, Fine, Gilmore, Goodwin, Jones, King, Little, Littleton, McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, St. John, Stewart, Teague, Vacca, Wilson.

—25

*Nays:*

—0

The Bill:

H. 944. To provide further for the selection of textbooks and instructional materials for use in the public schools in any county having a population of not less than 10,660 nor more than 10,900 according to the 1970 or any subsequent federal decennial census.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Edwards, Ellis, Fine, Gilmore, Goodwin, Jones, King, Littleton, McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Roberts, St. John, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 946. Relating to counties having populations of not less than 10,660 nor more than 10,900, according to the 1970 or any subsequent federal decennial census; allowing the county governing bodies of such counties to prepare certain building sites and to build and maintain access roads provided any such access road joins a county or state road or highway.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Gilmore, Goodwin, Jones, King, Littleton, Miller, Mims, Mitchell, Owen, Peden, Perloff, Powell, Roberts, St. John, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 501. Relating to counties having populations of not less than 600,000 inhabitants; to authorize and provide for additional funds, if required, from the general funds of the county and each municipality located therein for the maintenance and operation of the County Department of Health, including, but not limited to, the employment of personnel, the acquisition of land, the erection, construction, extension, renewal, and repair of buildings or improvements thereon, which are related to or required by the prescribed duties of the County Health Officer; to repeal all conflicting statutes.

was taken up.

The Standing Committee on Local Legislation No. 2 reported the following amendment to the Bill, H. B. 501, to-wit:

#### COMMITTEE AMENDMENT TO H. B. 501

Amend the Title of H. B. 501 by adding on line 10 and after the word "INHABITANTS" the following words: "ACCORDING TO THE LAST OR ANY SUBSEQUENT FEDERAL CENSUS."

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Ellis, Gilmore, Higginbotham, Jones, King, Littleton, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Standing Committee on Local Legislation No. 2 then reported the following amendment to the Bill, H. B. 501, as amended, to-wit:

#### COMMITTEE AMENDMENT TO H. B. 501

Amend Section 1 of H. B. 501 by deleting the words "most recent" on line 20 and substitute in lieu thereof the words "last or any subsequent".

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Ellis, Gilmore, Higginbotham, Jones,

King, Littleton, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

And said Bill, H. B. 501, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Ellis, Gilmore, Higginbotham, Jones, King, Littleton, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 502. Relating to counties having populations of not less than 600,000 inhabitants according to the most recent federal census; to provide for funding for transit authorities in such counties by the county and certain municipalities in such counties; to repeal all conflicting statutes.

was taken up.

The Standing Committee on Local Legislation No. 2 reported the following amendment to the Bill, H. B. 502, to-wit:

#### COMMITTEE AMENDMENT TO H. B. 502

Amend Section 1 of H. B. 502 by deleting the words "most recent" on line 18 and substitute in lieu thereof the words "last or any subsequent".

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Gilmore, Higginbotham, Jones, King, Littleton, McMillan, Mims, Mitchell, Noonan, Pearson, Peden, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Vacca, Wilson.

—25

*Nays:*

—0

The Standing Committee on Local Legislation No. 2 then reported the following amendment to the Bill, H. B. 502, as amended, to-wit:

#### COMMITTEE AMENDMENT TO H. B. 502

Amend H. B. 502 in Section 13 by adding after the word "remaining" the following: "provisions of the Act".

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Gilmore, Higginbotham, Jones, King, Littleton, McMillan, Mims, Mitchell, Noonan, Pearson, Peden, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Vacca, Wilson.

—25

*Nays:*

—0

The Standing Committee on Local Legislation No. 2 then reported the following amendment to the Bill, H. B. 502, as amended, to-wit:

#### COMMITTEE AMENDMENT TO H. B. 502

Amend the Title of H. B. 502 by deleting the words "MOST RECENT" and substitute in lieu thereof the words "LAST OR ANY SUBSEQUENT".

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Gilmore, Higginbotham, Jones, King, Littleton, McMillan, Mims, Mitchell, Owen, Pearson, Peden, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Vacca, Wilson.

—25

*Nays:*

—0

And said Bill, H. B. 502, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 1.

*Yeas:*

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Higginbotham, Jones, King, Littleton, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Vacca, Wilson.

—25

*Nay:* Mr. Gilmore:

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#### RESOLUTION

Messrs. Teague and Jones offered the following Senate Joint Resolution, to-wit:

S. J. R. 318. COMMENDING GENERAL IVAN RAY SMITH ON HIS APPOINTMENT AS ASSISTANT ADJUTANT GENERAL, ARMY, ALABAMA NATIONAL GUARD.

WHEREAS, Governor George C. Wallace has appointed Brigadier General Ivan R. Smith to serve as Assistant Adjutant General for the Army, Alabama National Guard, which appointment has received confirmation by the Alabama Senate; and

WHEREAS, General Smith, who is a native of Gadsden, Alabama, graduated from Cottonwood High School, Cottonwood, Alabama, received his B.A. and A.B. degree from Jacksonville State University and his D.M.D. degree from the University of Alabama; he presently is engaged in the practice of dentistry in Childersburg, Alabama; and

WHEREAS, he was commissioned a Second Lieutenant in 1951 through R.O.T.C. at Jacksonville State and served on active duty, and in combat, during the Korean Conflict; General Smith joined the National Guard in 1959, serving first as dental officer, later as Inspector-General with Headquarters and Headquarters Detachment, then as director of the Selective Service Section, and prior to his appointment as Assistant Adjutant General, he was commander of the 650th Medical detachment; and

WHEREAS, General Smith's military decorations include: the Bronze Star, the Army Commendation Medal, the Korean Service Medal, the United Nations Service Medal, the Armed Forces Reserves Medal, the Alabama Commendation Medal, the Alabama Faithful Service Medal, and numerous other citations and awards; and

WHEREAS, he also is a member of many civic, charitable and fraternal organizations in Childersburg and Talladega County such as the Rotary Club and the Chamber of Commerce; his professional affiliations are numerous, and he is an active and involved member of the First Methodist Church of Childersburg; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend General Smith on his appointment as Assistant Adjutant General for the Army, we unanimously applaud his selection and confirmation, and direct that a copy of this resolution be sent to him that he may know of our esteem for his outstanding abilities and the calibre of his qualifications.

On motion of Mr. Teague, the Rules were suspended and the Resolution was adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Hill and Lutz:

H. 331. To revise existing bail practices in the courts of Alabama to assure that all persons, regardless of their financial or social status, shall not needlessly be detained pending their appearance to answer charges, to testify, or pending appeal, when detention serves neither the ends of justice nor the public interest, to be known as "The Alabama Bail Reform Act of 1977," prescribing means in addition to the giving of bail bonds by which a person charged with an offense may give security for appearance in

order to secure his release and amending certain sections of the Code of Alabama 1940 to conform with such revision.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 331. To the Committee on State Government.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Kinsey and McMillan:

H. 476. Providing for the taxing as costs and collection of certain sheriffs fees and allowances and providing for the disposition of such fees and allowances.

Also:

By Messrs. Gafford, White, Waggoner, Falkenburg, Biddle and Moore (O):

H. 467. To amend Title 52, Section 37, of the Code of 1940 (pertaining to the power of the State Board of Education and public corporations conducting state educational institutions to borrow money for certain purposes) so as to clarify the power of the Board and such corporations to issue refunding securities to refund, in addition to principal and redemption premium, interest accrued or to accrue in the future on any securities to be refunded.

Also:

By Mr. Gafford:

H. 832. TO AMEND Section 8 of Act No. 516 enacted at the 1955 Regular Session of the Legislature of the State of Alabama, as amended, relative to Medical Clinic Boards (codified as Section 11-58-10 of the Code of Alabama 1975), to provide that the principal amount of any refunding bonds that may be issued, shall not exceed the principal of the bonds to be refunded, any expenses estimated to be incurred in connection with such refunding and interest (accrued or to accrue) to the respective maturity dates of the bonds to be refunded or, if the bonds to be refunded are to be called for redemption, either on the earliest date on which under their terms they may be redeemed or some later date or dates, the interest (accrued or to accrue) on the bonds to be refunded to the date or dates on which they are to be called for redemption, plus the amount of any redemption premium required by their terms to be paid as a condition to their redemption prior to their respective maturities.



Also:

By Messrs. Crawford, Carothers, Turnham, McMillan, Cates, Whatley, Williams, Sasser, Baker, Smith (M), Smith (C), Smith (J), Venable, Hines, Folmar and McCluskey:

H. 111. Relating to the eradication and control of swine diseases: to make an appropriation to the department of agriculture and industries for the fiscal year ending September 30, 1978, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of hog cholera, African swine fever and other swine diseases.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 476, 467 and 111. To the Committee on Finance and Taxation.

H. B. 832. To the Committee on Health and Welfare.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bills:

H. 651. Relating to all counties having populations of not less than 115,000 nor more than 150,000 according to the 1970 or any subsequent federal decennial census; authorizing the Alabama Alcoholic Beverage Control Board to permit the sale of draft or keg beer in said county.

Also:

H. 744. To amend Section 2 of Act No. 908, H. 1692, Regular Session 1971 (Acts 1971, p. 1672), which act provides for a contingent fund for certain counties classified on a population basis, so as to provide certain traveling expenses to county officials.

Also:

H. 154. To amend Section 290 and 291 of Title 28, Code of Alabama 1940, and Section 282 of Title 28, Code of Alabama 1940, as amended by Section 1 of Act No. 561, Regular Session 1975, Section 285 of Title 28, Code of Alabama 1940, as amended by Section 4 of Act No. 561, Regular Session 1975, all of which provide for credit unions in Alabama, so as to provide for an increased maximum of the par value of a share, to eliminate unnecessary language concerning loans, to elect a president who is an employee of the credit union and to remove statutory restrictions on the disbursement of loan funds.

JOHN W. PEMBERTON,  
Clerk.

## UNFINISHED BUSINESS

The Senate then proceeded to consideration of the second item of Unfinished Business for today, which was the Bill:

S. 426. To make an appropriation for capital outlay purposes at the University of South Alabama at Mobile for the fiscal year ending September 30, 1977.

Mr. Baker offered the following amendment to the Bill, S. B. 426, to-wit:

## AMENDMENT TO S. B. 426

Amend Senate Bill No. 426 Page 1 Line 27, by changing the period at the end of the sentence to a comma and by adding the following:

"provided, however, that in the event that any of the sum appropriated herein is not spent within two years from the effective date of the act for the purchase of contiguous tracts of land adjacent to the present medical facility and lying on either side of Mobile Street; then said sums shall revert to the Special Education Trust Fund.

Which was adopted.

Yeas 29; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Miller, Mims, Noonan, Owen, Pearson, Peden, Perloff, Roberts, St. John, Vacca, Waldrop, Wilson.

—29

*Nays:*

—0

And said Bill, S. B. 426, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 32; Nays 1.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, Littleton, McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Vacca, Waldrop, Wilson.

—32

*Nay:* Mr. McDonald (A).

—1

Mr. Perloff moved that the Senate reconsider the vote by which the Bill, S. B. 426, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Holmes (A), and Manley:

H. J. R. 451. COMMENDING GOVERNOR GEORGE C. WALLACE FOR HIS EFFORTS TO ASSURE THE CONTINUANCE OF THE TENNESSEE-TOMBIGBEE WATERWAY DEVELOPMENT PROJECT.

WHEREAS, the Legislature of Alabama has noted with admiration and deep appreciation the total commitment of our Governor to the Tennessee-Tombigbee Waterway Development Project, and his monumental efforts on behalf of all citizens of our state who, themselves, zealously support this most vital project; and

WHEREAS, in Alabama, more than 1,400 persons are employed at the present time in work related to this project, with it conservatively estimated that the waterway will generate 135,000 additional jobs in a four-state area within the next two decades; and

WHEREAS, as Governor Wallace has pointed out, this is a project of national importance and concern which will have a significant effect upon our country with long-range economic benefits to the entire United States not only for the present or the immediate future, but for centuries to come; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we unanimously support Governor George C. Wallace in his vigorous battle to abort a disastrous decision, and we applaud with enthusiasm and appreciation his efforts to save the Tennessee-Tombigbee Waterway Project for our state and nation.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Governor Wallace that he may know of our admiration for his efforts on our behalf.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The Resolution, H. J. R. 451, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Joint Resolution:

H. J. R. 362. Relative to commending the Thorsby High School Basketball Team for a successful season.

JOHN W. PEMBERTON,  
Clerk.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Mitchem, Turnham, Kelley and Brindley:

H. J. R. 456. COMMENDING W. L. MARTIN FOR NOTABLE SERVICE TO MARSHALL COUNTY AND THE STATE OF ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. McDonald (S), the Rules were suspended and the Resolution, H. J. R. 456, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Merrill:

H. J. R. 453. APPROVING THE ATTENDANCE OF ALL SIX ACTIVE MEMBERS OF THE ALABAMA WOMEN'S COMMISSION AT THE ANNUAL MEETING OF THE NATIONAL ASSOCIATION OF COMMISSIONS FOR WOMEN AND TO REIMBURSE SAID MEMBERS FOR ORDINARY AND NECESSARY EXPENSES, WHICH EXPENSES SHALL BE PAID FROM THE FUNDS APPROPRIATED FOR THE LEGISLATURE.

WHEREAS, it is in the best interest of the State of Alabama to be officially represented at the Annual Convention of the National Association of Commissions for Women; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the six active members of the Alabama Women's Commission, including our lovely and gracious colleague, Mrs. Marilyn Quarles, be appointed Alabama's official delegates to the Annual Convention of the National Association of Commissions for Women to be held in Washington, D. C., and that the delegates be reimbursed for ordinary and necessary expenses in attending this important convention from the funds appropriated to the use of the Alabama Legislature upon the certificate of the Clerk of the House.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The Resolution, H. J. R. 453, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bills:

H. 628. Relating to Blount County; to authorize the county commission, within its sole discretion, to employ and set the salaries of such clerical assistants as the tax assessor, tax collector and probate judge may recommend for their respective offices.

Also:

H. 89. To provide sick leave for school bus drivers and full-time support personnel who are non-certificated educational employees in city and county school systems and the Alabama Institute for Deaf and Blind.

JOHN W. PEMBERTON,  
Clerk.

## SPECIAL ORDER

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today (S. R. 315, set out in the Journal of the Senate for the Seventeenth Legislative Day), which was the Bill:

S. 542. To reorganize the Executive Department of state government; to express the public policy of the State regarding the structure and functions of the Executive Department, and to state the intent of the Legislature concerning the reorganization of the Executive Department, the establishment of new executive offices, the orderly transfer of certain enumerated agencies or the functions of such agencies to such executive offices, the effect of such reorganization on existing agencies of the Executive Department and their employees, the establishment in the future of executive offices or agencies, and the assignment or transfer of powers, duties, and functions of existing agencies, or agencies hereinafter created, to the executive offices or agencies established hereafter; to define certain terms, and to provide a uniform nomenclature for the internal structure of executive offices established in the Act; to list the Constitutional, elective, and executive offices which compose the Executive Department, except as may be otherwise provided by law; to limit the number of executive offices within the Executive Department to fifteen and to provide for the future assignment of agencies or functions to the executive offices established herein; to establish within each executive office established herein the position of Secretary; to enumerate the powers, duties, and functions of Secretaries of executive offices; to provide that Secretaries of executive offices shall perform their functions under the general control and supervision of the Governor; to provide that certain officers may be appointed for the executive offices established herein, including Deputy Secretaries, directors, supervisors, chiefs, and legal counsel; to provide that certain officers shall obtain commissions before entering upon and exercising the duties of their respective offices; to provide for the place of residence, oath of office, and official bond of certain enumerated officers of the executive offices established herein; to provide salaries for officers and employees of executive offices; to specify those officers and employees of executive offices who are subject to the State merit system law; to enumerate those officers of executive offices subject to impeachment and

governed by the provisions of Act No. 130 enacted at the 1975 Regular Session of the Legislature; to provide for the transfer for administrative purposes of existing agencies of the Executive Department to the executive offices established herein; to provide that such agencies shall continue to perform their statutory functions under the supervision and regulation of the executive office to which they are transferred, except in the case of certain examining and licensing agencies and agencies authorized to issue bonds or other evidences of indebtedness; to specify those services which the executive office may perform for an agency transferred to it for administrative purposes; to provide for the transfer of the effects and the employees of agencies transferred for administrative purposes; to define the effect of such transfer on the obligations and debts of such agencies and the ability of such agencies, the State, or its executive offices, to comply with federal laws concerning federal assistance to any of them; to provide for the transfer of existing agencies and their statutory functions to an executive office established herein; to provide that any agency so transferred shall continue to exist as an advisory agency or advisory council within the executive office to which it is transferred; to provide for the effect of such transfer on the performance of the statutory functions transferred, the filing of certain financial information, the pending business of any agency so transferred, the obligations and debts of any such agency, and the ability of any such agency, the State, or its executive offices to comply with federal laws concerning federal assistance to any of them; to provide for the transfer of the effects and the employees of any agency so transferred; to provide for the abolition of existing agencies and the transfer of their statutory functions to an executive office established herein; to provide for the effect of such abolition and transfer on the performance of the statutory functions transferred, the pending business of any abolished agency, the obligations and debts of any abolished agency, and the ability of the State, or its executive offices, to comply with federal laws concerning federal assistance to any of them or to any agency so abolished; to provide for the transfer of the effects and the employees of any agency so abolished; to provide that existing agencies may be abolished and that their statutory functions shall cease to exist; to provide for the effect of such abolition on the pending business of any such agency, its obligations, and its effects; to provide that civil and criminal actions pending on October 1, 1978, shall not be affected by this Act, except as specifically provided herein; to provide for employees of the State affected by this Act; to provide for other effects of this Act on the holders of bonds and obligations issued before October 1, 1978, and the parties to contracts and other agreements entered into before October 1, 1978; to continue lawfully adopted rules and regulations of certain agencies; to provide that the Governor may replace any state officer whose position is not continued by this Act and who is a member of an agency continued or transferred by this Act; to provide that the Governor shall be responsible for formulating and implementing a transition plan which carries out the provisions and purposes of this Act; to require the cooperation of all existing agencies of the Executive Department with the Governor in implementing this Act; to provide that the Legislature shall be furnished certain information pertaining to the reorganization of the Executive Department; to appropriate specified sums to the Office of the Governor to implement this Act; to provide that the transfer of agencies and functions of agencies as provided herein shall be effective on October 1, 1978; to provide for a Cabinet; to specify its members and assign it certain advisory functions; to provide for the continuation of any agency of the Executive Department existing on the effective date of this Act, except as

otherwise provided herein; to specify a short title for this Act; to provide that if any provision of this Act is declared invalid, that such declaration shall not affect the validity of the remainder of the Act; to repeal all laws or portions of laws in conflict with this Act; to provide an effective date for this Act; to establish in the Executive Department the following executive offices: Office of Administration; Office of Business Regulation; Office of Economic and Community Development; Office of Forestry Services; Office of Health Resources; Office of Labor; Office of Mental Health; Office of Military Affairs; Office of National Resources; Office of Prisons and Rehabilitation; Office of Protection and Law Enforcement; Office of Revenue; Office of Social Services; Office of State Enterprises; Office of Transportation; to provide for the transfer of certain enumerated agencies to these executive offices by a specified method of reorganization; to provide that the Governor may by executive order abolish or transfer certain enumerated agencies established by Executive order to specified executive offices and by a specified method of reorganization; to abolish certain agencies; and to repeal specifically the following Acts or provisions thereof: Section 2(d) of Act No. 48 enacted at the 1950 Fifth Special Session of the Legislature; Act No. 514 enacted at the 1963 Regular Session of the Legislature; Section 3 of Act No. 712 enacted at the 1951 Regular Session of the Legislature; Sections 6 and 7 of Act No. 226 enacted at the 1965 Regular Session of the Legislature; Section 4(c) of Act No. 2059 enacted at the 1971 Regular Session of the Legislature; Section 5 of Act No. 582 enacted at the 1963 Regular Session of the Legislature; Act No. 1115 enacted at the 1969 Regular Session of the Legislature; Act No. 324 enacted at the 1947 Regular Session of the Legislature; Section 5 of Act No. 47 enacted at the 1955 Regular Session of the Legislature; Sections 4 and 5 of Act No. 103 enacted at the 1955 Regular Session of the Legislature; Act No. 92 enacted at the 1965 First Special Session of the Legislature; Section 32 of Act No. 1049 enacted at the 1969 Regular Session of the Legislature; Sections 4, 5, and 6 of Act No. 816 enacted at the 1973 Regular Session of the Legislature; Section 5 of Act No. 673 enacted at the 1947 Regular Session of the Legislature; Act No. 889 enacted at the 1953 Regular Session of the Legislature; Sections 8 and 9 of Act No. 1197 enacted at the 1975 Regular Session of the Legislature; Section 3 of Act No. 446 enacted at the 1963 Regular Session of the Legislature; Section 4 of Act No. 394 enacted at the 1957 Regular Session of the Legislature; Section 2 of Act No. 373 enacted at the 1955 Regular Session of the Legislature, as amended.

The Standing Committee on State Government reported the following amendment to the Bill, S. B. 542, to-wit:

#### COMMITTEE AMENDMENT TO S. B. 542

To amend S. B. 542, Section 106, subsection (c)

“Except as otherwise provided by law, each unit within an executive office shall be under the immediate supervision and direction of a director, supervisor or chief, as provided in Section 103(b). Directors of departments within executive offices shall be appointed by, and shall serve at the pleasure of the Governor. Except as otherwise provided herein, the provisions of this subsection shall apply to agencies transferred pursuant to Section 107. Except as otherwise expressly provided in this Act, the duties and functions of each unit and its chief administrative officer shall be determined by the Secretary, and all of such duties and functions shall be exercised under the supervision and control of the Secretary.”

To read as follows:

"Except as otherwise provided by law, each unit within an executive office shall be under the immediate supervision and direction of a director, supervisor or chief, as provided in Section 103(b). Directors of departments within executive offices shall be appointed by, and shall serve at the pleasure of the Governor except the State Toxicologist/Director, Department of Toxicology and Criminal Investigation who shall continue to be appointed and to serve as provided by Title 14, Section 387, Code of Alabama 1940, Recompiled and amended. Except as otherwise provided herein, the provisions of this subsection shall apply to agencies transferred pursuant to Section 107. Except as otherwise expressly provided in this Act, the duties and functions of each unit and its chief administrative officer shall be determined by the Secretary, and all of such duties and functions shall be exercised under the supervision and control of the Secretary."

On motion of Mr. Goodwin, said amendment was laid on the table.

The Standing Committee on State Government then reported the following amendment to the Bill, S. B. 542, to-wit:

#### COMMITTEE AMENDMENT TO S. B. 542

To amend S. B. 542, Section 116, subsection (a)

"(a) Secretaries, Deputy Secretaries, and all other employees in the offices of Secretaries of executive offices, including any legal counsel employed pursuant to Section 106(d), and directors of departments within executive offices shall be deemed to be in the exempt service of the State, as set forth in Title 55, Section 301, Code of Alabama 1940."

To read as follows:

"(a) Secretaries, Deputy Secretaries, and all other employees in the offices of Secretaries of executive offices, including any legal counsel employed pursuant to Section 106(d), and directors of departments within executive offices shall be deemed to be in the exempt service of the State, as set forth in Title 55, Section 301, Code of Alabama 1940, Recompiled, except the State Toxicologist/Director, Department of Toxicology and Criminal Investigation."

On motion of Mr. Goodwin, said amendment was laid on the table.

The Standing Committee on State Government then reported the following amendment to the Bill, S. B. 542, to-wit:

#### COMMITTEE AMENDMENT TO SENATE BILL 542

Amend Senate Bill 542, page 48, line 16, by inserting after the word "abolish" and before the period (".") the words "as of October 1, 1978"

On motion of Mr. Goodwin, said amendment was laid on the table.

Mr. King offered the following substitute for the Bill, S. B. 542, to-wit:



## SUBSTITUTE FOR S. B. 542

A BILL  
TO BE ENTITLED  
AN ACT

To reorganize the Executive Department of State government within six new Executive Offices; to provide for the orderly transfer of certain enumerated existing agencies, or the functions of such agencies, to these new Executive Offices; to provide for the effect of such reorganization on existing agencies of the Executive Department and their employees; to establish within each Executive Office created herein the position of Secretary, and to enumerate the powers, duties and functions of Secretaries of Executive Offices; to provide for the role of the Governor and the Governor's Office in such reorganization; to create within the Governor's Office the new positions of Director of Management and Administrative Planning and Federal Programs Liaison Officer; to create within the Office of Human Resources the Department of Public Health, and a Department of Medical Benefits; to create within the Office of Education the Alabama Board of Higher Education; to create within the Office of Commerce, Labor and Manpower Relations the Office of Consumer Affairs; and to provide the effective date for this Act and the effective date for the reorganization of the Executive Department.

Be It Enacted by the Legislature of Alabama:

## ARTICLE I. GENERAL PROVISIONS

Section 1. Short Title. This Act shall be known as the "Executive Department Reorganization Act of 1977."

Section 2. Declaration of Legislative Intent. It is the intent of the Legislature to create a structure for the Executive Department of state government which is responsive to the needs of the people of this state while at the same time promoting efficiency and economy in the operation and management of such government; to improve services to the citizens of the State while conserving the human and natural resources of the State; to strengthen the executive capacity to administer effectively, efficiently and economically at all levels; to effect the grouping of agencies into a reasonable number of Executive Offices primarily according to function so as to facilitate orderly management and control; to provide clearly fixed and ascertainable responsibility and accountability within the Executive Department of the state government for the implementation of programs and policies; and to eliminate duplication of effort within the Executive Department of the state government.

(a) Pursuant to the above-stated ends, it is the intent of the Legislature to reorganize the Executive Department of state government within six newly created Executive Offices, to-wit: the Office of Finance and Administration; the Office of Human Resources; the Office of Education; the Office of Commerce, Labor and Manpower Relations; the Office of Natural Resources, Parks and Recreation; and the Office of Public Safety and Transportation; to provide for the orderly transfer of certain enumerated existing agencies, or the functions of such agencies, to these six Executive Offices, to provide for the effect of such reorganization on existing agencies of the Executive Department and their employees; to establish within each Executive Office the position of Secretary, and to define the powers, duties and functions of Secretaries of Executive Offices; to provide for the role of the Governor and the Governor's Office in such

reorganization; to create within the Governor's Office, in the interest of improved intergovernmental coordination and managerial efficiency, the positions of Director of Management and Administrative Planning and Federal Programs Programs Liaison Officer; and to create a viable program and implementation schedule by which further reorganization may take place within the Executive Department, with accompanying reduction in operational costs.

(b) It is the intent of the Legislature that, subject to the State Merit System Law, any individuals affected by the abolition by this Act of any agency shall be given priority consideration for any new positions created by this Act, or other vacant positions in state government, if they are otherwise qualified.

Section 3. Definitions. Whenever used in this Act, the following terms shall have the following respective meanings, unless the context clearly indicates otherwise:

(1) "Agency" means any executive office, department, division, bureau, section, authority, board, commission, council, office, officer or like governmental unit or subunit in the Executive Department.

(2) "Cabinet" means collectively the Secretaries of the Executive Offices created by this Act, together with the Director of Management and Administrative Planning.

(3) "Constitution" means the Constitution of Alabama of 1901, as amended.

(4) "Constitutional offices" and "Constitutional officers" mean collectively those offices or officers, respectively, designated in Article V of, and Amendment 184 to, the Constitution; that is, the Governor, Lieutenant Governor, Attorney General, State Auditor, Secretary of State, State Treasurer, Commissioner of Agriculture and Industries, State Board of Education and State Superintendent of Education.

(5) "Executive Department" means that branch of state government established in Article V of the Constitution, consisting of the Office of the Governor, the various Executive Offices created by this Act and all Constitutional offices and officers.

(6) "Executive Office" means a principal, functional and administrative entity in the Executive Department created by this Act, to include the units and functions assigned thereto.

(7) "Function" means a duty, power, responsibility, authority, discretion, or program exercised by, or assigned to an agency, whether or not specifically provided for by law, including budgeted positions and personnel relating to the performance of such function.

(8) The terms "policy" and "policy making" mean those functions related to establishing the general purpose and direction which programs of an agency shall take.

(9) "Secretary" means the individual who is the executive head and principal administrative officer of one of the six Executive Offices created and provided for by this Act.

Section 4. Role and Function of the Governor's Office Under Executive Department Reorganization. Any and all Constitutional and

statutory duties and responsibilities of the Governor or the Governor's Office are preserved intact. The Governor is further charged with the responsibility of overall supervision and control of the Executive Department of state government under the reorganization plan outlined by the provisions of this Act. Nothing contained herein shall in any way affect or limit the Governor's responsibility for overall policy making and execution of the affairs of state government.

(a) There is herein created as a new position within the Governor's Office a Director of Management and Administrative Planning. Under the direction of the Governor, the Director of Management and Administrative Planning will oversee, manage, plan for and execute the implementation of the reorganization of the Executive Department of state government as provided for in this Act. The Director shall be responsible to the Governor for overall management and administrative planning within the Executive Department. The Director is charged with the periodic reevaluation of the organization and structure of the Executive Department, and is to make periodic recommendations to the Governor for additional reorganization deemed necessary to the efficient management and administrative operations of the Executive Department. The Director of Management and Administrative Planning is to be appointed by and serve at the pleasure of the Governor, and to be compensated in an amount to be determined by the Governor. The Director of Management and Administrative Planning is to serve in the exempt service of the State as provided by Article V, Section 3 of this Act. The Governor may at his option assign to the Lieutenant Governor, with the Lieutenant Governor's consent and agreement, any portion of the administrative responsibility of the Director of Management and Administrative Planning or of any Secretary.

(b) There is herein created as a new position within the Governor's Office a Federal Programs Liaison Officer. This Officer is to be the official liaison for the State with all agencies and units of the federal government; to serve as a federal government information clearinghouse for agencies of state government; and to be responsible for overall coordination of federal programs available to and administered by agencies of the State. Any such staff functions currently performed by other Executive Department personnel are hereby transferred to the Federal Programs Liaison Officer. The Federal Programs Liaison Officer is to be appointed by and serve at the pleasure of the Governor, and to be compensated in an amount to be determined by the Governor. The Federal Programs Liaison Officer is to serve in the exempt service of the State as provided in Article V, Section 3 of this Act.

Section 5. Establishment of the Executive Offices of the Executive Department of State Government. Except as otherwise provided by this Act or the Constitution of Alabama, all offices, agencies, authorities, boards, commissions, departments, and their respective functions, shall be assigned to or allocated among and within the existing Constitutional or elective offices.

(a) In addition, there are hereby created the following Executive Offices:

- (1) Office of Finance and Administration;
- (2) Office of Human Resources;
- (3) Office of Education;

- (4) Office of Commerce, Labor and Manpower Relations;
- (5) Office of Natural Resources, Parks and Recreation; and
- (6) Office of Public Safety and Transportation.

(b) Each Executive Office enumerated in Subsection (a) above shall be headed by a Secretary. The Secretary is the executive head and principal administrative officer of the Executive Office to which appointed. The Secretary is to be appointed by and serve at the pleasure of the Governor and is to be in the exempt service of the State as provided in Article V, Section 3 of this Act. The Secretary shall be compensated in an amount commensurate with the duties and responsibilities of the office he holds as determined by the Governor, provided, however, that no Secretary appointed under this Act shall be required to serve for less compensation than he is presently receiving, should such Secretary currently be in the service of the State. The Secretary shall plan, direct, coordinate and execute the powers, duties and functions vested in the Executive Office which he holds, and shall supervise and coordinate those vested in the units thereof. Powers and duties assigned or transferred to a unit of the Executive Office shall not be construed to be a limitation upon this authority and responsibility.

(c) Except as otherwise provided by law or by this Act, the Secretary shall establish, with the approval of the Governor, the internal organization of the Executive Office, and shall allocate and reallocate duties and functions to promote economical and efficient administration and operation thereof. The Secretary shall appoint such staff, with the approval of the Governor, as he deems necessary to the execution of the duties and responsibilities of the Office of the Secretary. Such persons shall serve in the exempt service of the State.

(d) The heads of departments and such other agencies of the Executive Offices, unless otherwise provided by this Act, shall be appointed by the Secretary, with the approval of the Governor. Unless otherwise provided herein or in subsequent legislation, such department or agency heads shall continue to perform the duties and responsibilities presently attached to their respective departments or agencies and shall continue to exercise the authorities and powers presently held. The Secretary of the applicable Executive Office shall recommend to the Governor and the Governor shall fix compensation for such department or agency heads in an amount commensurate with the duties and responsibilities exercised by each, provided, however, that no head of a department or such other agency of an Executive Office appointed under this Act shall be required to serve for less compensation than he is presently receiving, should such head of a department or such other subunit of said Executive Office currently be in the service of the State. The Secretary is further empowered to do such things, not inconsistent with existing laws, as are necessary to perform properly the duties and functions vested in him.

Section 6. Transfer for Administrative Purposes. The existing agencies of the Executive Department of state government shall be transferred to the six newly created Executive Offices by either of three statutory means:

(a) An existing agency may be transferred to an Executive Office for administrative purposes only, such transfer being designated herein as a

"Type 1" transfer. A Type 1 transfer provides for the intact transfer of an existing agency of state government into an Executive Office while remaining a separate, identifiable unit of the Office. It shall exercise all prescribed statutory functions in the same manner as heretofore. Type 1 agencies are subject, however, to possible further consolidation or reorganization on recommendation of the Secretary and the review action of the Governor and the Legislature pursuant to, and in accordance with, the internal reorganization authority as authorized by Article VI, Section 4 of this Act.

(b) An existing agency may be transferred to an Executive Office in such a manner that the statutory functions of the agency so transferred are vested in, and thereafter made the responsibility of the Executive Office to which the transfer is made. Under such circumstances, such statutory functions are to be administered by the Secretary of the Executive Office in accordance with the powers vested in him by this Act and the applicable laws pertaining to each agency, such transfer being designated herein as a "Type 2" transfer. The agency whose functions are thus transferred shall continue in existence within the Executive Office. If the agency was previously under the control or management of a board, council, commission, or other governmental entity, then that board, council, commission or other governmental entity shall continue in existence as an advisory unit within the Executive Office.

(c) An existing agency may be abolished and its statutory functions transferred to, vested in, and hereafter made the responsibility of the Executive Office to which the transfer is made, to be administered by the Secretary of the Executive Office in accordance with the powers vested in him by this Act and the applicable laws pertaining to each agency. Such abolition and transfer is designated herein as a "Type 3" transfer. The transferred agency is thus abolished as a separate governmental entity. The Executive Office and its Secretary shall be the successor in every way to the powers, authority and duties of any Type 3 agency.

## ARTICLE II. EXECUTIVE OFFICES

Section 1. Office of Finance and Administration. There is established in the Executive Department the Office of Finance and Administration. The head of the Office is the Secretary of Finance and Administration. The Office, through its units and officers, shall be responsible for the supervision and coordination of all basic financial and administrative services of state government and shall supervise and coordinate the basic management and administrative services and functions required of state government.

(a) Type 1 Transfers. The following agencies are transferred to the Office of Finance and Administration by a Type 1 transfer:

- (1) The Department of Finance;
- (2) The Department of Revenue;
- (3) The State Military Department;
- (4) The State Personnel Department;
- (5) The Alabama Trade School and Junior College Authority;
- (6) The Alabama Public School and College Authority;
- (7) The Alabama Education Authority;

- (8) The Corporation for Borrowing for Schools;
- (9) The Alabama Highway Authority;
- (10) The Alabama Highway Finance Corporation (1943 Session);
- (11) The Alabama Highway Finance Corporation (1965 Session);
- (12) The Alabama Turnpike Authority;
- (13) The Dauphin Island Bridge Authority;
- (14) The Alabama Bridge Commission;
- (15) The State Toll Bridge Authority;
- (16) The State Industrial Development Authority;
- (17) The Alabama Corrections Institution Finance Authority;
- (18) The Bond Commission for Construction of Mental Health Centers;
- (19) The Alabama State Hospitals and Partlow State School Bond Commission;
- (20) The Bond Commission;
- (21) The Alabama Building Finance Authority;
- (22) The Alabama Building Authority;
- (23) The Alabama Building Corporation;
- (24) The Agricultural Center Corporation;
- (25) The Coosa Valley Development Authority;
- (26) The West Alabama Environmental Improvement Authority;
- (27) The North Alabama Environmental Improvement Authority;
- (28) The Southeast Alabama Environmental Improvement Authority;
- (29) The Alabama Pollution Control Finance Authority;
- (30) The Board of Adjustment;
- (31) The Board of Compromise;
- (32) The Alabama Constitutional Commission;
- (33) The Board to Approve Contracts for Public Printing;
- (34) The Board of Appointment of Registrars of Elections;
- (35) The Armory Commission of Alabama
- (36) The State Department of Veterans' Affairs.
- (37) The State Employees' Insurance Board
- (b) Type 2 Transfers. The following agencies are transferred to the Office of Finance and Administration by a Type 2 transfer:
  - (1) The Building Commission;

- (2) The Commission on Uniform State Laws;
- (3) The Alabama Academy of Honor;
- (4) The Hall of Fame Board;
- (5) The Alabama Women's Hall of Fame;
- (6) The Alabama Sports Hall of Fame Board;
- (7) The Governor's Committee on Employment of the Handicapped;

(c) Type 3 Transfers. The following agencies are transferred to the Office of Finance and Administration by a Type 3 transfer:

- (1) The State Personnel Board;
- (2) The Military Advisory Board;
- (3) The State Capitol Advisory Committee;
- (4) The Governor's Mansion Advisory Board.
- (5) The Office of Space Management

(d) Transfer of Agencies by Executive Order. The Governor may at his option by executive order transfer the following agencies created by executive order to the Office of Finance and Administration by the method of reorganization indicated:

- (1) The Alabama Entertainers Hall of Fame—Type 2 transfer;
- (2) The Governor's Committee on State Government Reorganization—Type 2 transfer;
- (3) The Alabama Military Hall of Honor—Type 2 transfer;
- (4) The Industrial Securities Advisory Council—Type 2 transfer;
- (5) The Motion Picture and Television Advisory Committee—Type 2 transfer; and
- (6) The Hank Williams Memorial Commission—Type 2 transfer.

In addition to the agency type transfers herein above provided, there shall also be assigned to the Office of Finance and Administration the consolidation of all state-owned aircraft, excluding those used for law enforcement purposes, into a central and properly controlled air transportation pool. The Governor shall by executive order create the air transportation pool and shall give it adequate powers and controls to insure compliance with the intent of this section. The Governor shall have complete authority to carry out the provisions thereof.

Section 2. Office of Human Resources. There is established in the Executive Department the Office of Human Resources. The head of the Office is the Secretary of Human Resources. The Office, through its units and officers, shall be responsible for supervision and coordination of all basic human services provided by state government, to include human development, institutional and correctional care, income and health maintenance, and health and welfare-related programs and services.

(a) Type 1 Transfers. The following agencies are transferred to the Office of Human Resources by a Type 1 transfer:

- (1) The Department of Pensions and Security;
- (2) The State Board of Health
- (3) The Department of Mental Health;
- (4) The Alabama Mental Health Board. The Governor of the State of Alabama shall hereafter serve as Chairman of this Board;
- (5) The Board of Corrections of Alabama. In addition to the present structure of said board, the Governor of Alabama shall hereafter be a member of this Board and shall serve as its Chairman;
- (6) The State Board of Pardons and Paroles;
- (7) The Department of Youth Services; and
- (8) There is hereby created within the Office of Human Resources as a Type 1 agency The State Committee of Public Health. Subject only to the provisions of this section, the State Committee of Public Health shall continue to exercise the statutory functions set out in Title 22, Section 2 et seq., Code of 1940, Recompiled and amended, including the selection of the State Health Officer. The Secretary of the Office of Health Resources shall serve as a member of the State Committee of Public Health with the right to vote. Nothing in this Act shall be construed as affecting the designation of the State Board of Health or the State Committee of Public Health acting in its place as the single state agency for health planning and development under PL. No. 93-641. Under the supervision of the State Committee of Public Health, there are hereby created the following department:
  - (a) The Department of Public Health is established in the Executive Department of State Government, to exercise general supervision over the enforcement of laws relating to public health. Such development shall coordinate the delivery of medical services to those citizens who are unable to obtain such services through other means. The Department of Public Health shall be headed by the State Health Officer who shall be under the direction of the State Committee of Public Health, and who shall be in the exempt service of the State.
  - (10) There is also created within the Office of Human Resources as a Type 1 agency; the Department of Medical Benefits to operate as the single state agency for the administration of publicly-funded medical benefit programs. The Department is specifically charged with the administration of the Medicaid Program, including determinations as to benefit eligibility and payment. The Department is to be headed by a director who is to be appointed by and under the director who is to be appointed by and under the direction of the State Committee of Public Health. The director of the Department shall be in the exempt service of the State.
  - (11) The State Committee on Public Health;
  - (12) The State Board of Health;
  - (13) The State Health Officer.
- (b) Type 2 Transfers. The following agencies are transferred to the Office of Human Resources by a Type 2 transfer:
  - (1) The State Board of Pensions and Security;



- (2) The Commission on Aging;
- (3) The Advisory Council
- (4) The Advisory Council for Hospital Construction;
- (5) The Statewide Health Coordinating Council;
- (6) The Council on Dental Health;
- (7) The Council on Animal and Environmental Health;
- (8) The Council on Health Costs, Administration and Organization;
- (9) The Council on the Prevention of Disease and Medical Care;
- (10) The State Radiation Control Agency.

(c) Type 3 Transfer. The following agencies are transferred to the Office of Human Resources by a Type 3 transfer:

- (1) The Board for Distribution and Delivery of Dead bodies.

(d) Transfer of Agencies by Executive Order. The Governor may at his option by executive order transfer the following agencies created by executive order to the Office of Human Resources by the method of reorganization indicated:

(1) The Alabama Advisory Council for Alcoholism Services—Type 2 transfer;

(2) The Alabama Advisory Council on Drug Abuse—Type 2 transfer;

(3) The Governor's Commission on Drug Abuse—Type 2 transfer;

(4) The Alabama Inter-Developmental Coordinating Committee for Early Childhood Development—Type 2 transfer; and

(5) The Alabama Planning and Advisory Council for Developmental Disabilities Services and Facilities—Type 2 transfer.

Section 3. Office of Education. There is established in the Executive Department the Office of Education. The head of the office is the Secretary of Education. Subject to existing Constitutional provisions, the office, through its units and officers, shall be responsible for the supervision and coordination of all educational functions and services provided by state government.

(a) Type 1 transfers. The following agencies are transferred to the Office of Education by Type 1 transfer:

(1) The State Board of Education;

(2) The State Department of Education;

(3) The State Superintendent of Education;

(4) The Board of Commissioners of Tuskegee Institute;

(5) The Alabama Institute for the Deaf and Blind;

(6) The Boards of Trustees of Alabama's institutions of higher education, to-wit:

- (a) Alabama Agricultural and Mechanical University;
- (b) Alabama State University;
- (c) Auburn University;
- (d) University of North Alabama;
- (e) Jacksonville State University;
- (f) Livingston University;
- (g) Troy State University;
- (h) The University of Alabama System;
- (i) University of Montevallo; and
- (j) University of South Alabama.

(7) There is hereby established within the Office of Education as a Type I agency, the following Board:

(a) There is hereby established the Alabama Board of Higher Education. The Board shall have responsibility for the development and supervision of a comprehensive master plan for programs and facilities at all four-year and two-year institutions of higher learning, including the delineation of role and scope for each respective institution. In accordance with the plan, the Board shall approve all new programs, courses of study, branch campuses, extension centers, new construction funded by state appropriations and acquisition by the State of any heretofore private, post-secondary institution. The Board shall have the further responsibility for developing funding criteria which recognize differing responsibilities and costs among the institutions and for submitting to the Governor and the Legislature each year a unified recommendation for operating and capital needs. The Board shall be responsible for all buildings and equipment at all institutions and shall develop a working inventory of all such buildings and equipment. The Board shall establish and administer space standards for proper utilization of classrooms, laboratories, and administrative facilities to aid in the evaluation of the use of all buildings. The Board shall have exclusive control over the establishment of new campuses, branch campuses, off-campus instruction, or extension centers. The Board shall have full authority to terminate any such programs. The Board shall develop a uniform system of accounting, record keeping, and administrative procedures for all institutions. The Board shall develop internal audit capabilities for financial and performance controls at each institution, reporting directly to the Board. The Board shall develop and maintain a system of usable educational data. The Board may delegate any part of its authority over the affairs of any institution to the Board of Trustees or, through the President of the Board, to the Chancellor of any constituent institution or President of a junior college in any case where such delegation appears necessary or prudent to enable the institution to function in a proper and expeditious manner. Any such delegation of authority may be rescinded by the Board at any time in whole or in part. The members of such Board shall be appointed by the Governor, with consent of the Senate, and shall consist of one member from each Congressional District and two additional members from the state-at-large. Board members shall be appointed for a term of three years and shall be eligible to succeed themselves for no more than three successive terms. The Governor shall serve as an ex-officio member of the Board. No other

state official, board member or employee of any public, post-secondary institution shall be eligible for appointment to the Board. The Board shall elect a chairman, vice-chairman and secretary from its membership and shall appoint a chief administrative officer who shall be designated the Commissioner of Higher Education. The Board shall fix the compensation of the Commissioner of Higher Education in an amount commensurate with the duties and responsibilities of the office he holds. The Commissioner, with approval of the Board, may employ and fix compensation of other staff necessary to the operation of the Board. The Board shall have no authority in matters previously reserved by the Constitution to institutional governing boards, the State Board of Education, or the Legislature.

(8) The Alabama Public Library Service.

(9) The Alabama Firefighters Personnel Standards and Education Commission.

(b) Type 2 Transfers. The following agencies are transferred to the Office of Education by a Type 2 transfer:

- (1) The Alabama High School of Fine Arts;
- (2) The Alabama State Council on the Arts and Humanities;
- (3) The Alabama Art Commission;
- (4) The Alabama Educational Television Commission;
- (5) The State Commission on Physical Fitness;
- (6) The Board of Dental Scholarship Awards;
- (7) The Board of Medical Scholarship Awards;

(8) The Gorgas Memorial Board. Hereafter, the Gorgas Memorial Board shall operate under the authority of the University of Alabama.

(9) The Alabama Post-Secondary 1202 Commission;

(10) The Alabama Advisory Council on Vocational Education.

(c) Type 3 Transfers. The following agencies are transferred to the Office of Education by a Type 3 transfer:

- (1) The Alabama Commission on Higher Education;
- (2) The Alabama Education Study Commission;

(3) The Board of Trustees of the Alabama Stonewall Jackson Memorial Fund.

Section 4. Office of Commerce, Labor and Manpower Relations. There is established in the Executive Department the Office of Commerce, Labor and Manpower Relations. The head of the Office is the Secretary of Commerce, Labor and Manpower Relations. The office, through its units and officers, shall be responsible for supervision and coordination of all basic commercial, industrial, business, labor and manpower functions of state government, to include licensing and business regulation, economic and community development, and state enterprises.

(a) Type 1 Transfers. The following agencies are transferred to the Office of Commerce, Labor and Manpower Relations by a Type 1 transfer:

- (1) The State Banking Department;
- (2) The Department of Insurance;
- (3) The Alcoholic Beverage Control Board;
- (4) The Alabama Development Office;
- (5) The Alabama State Docks Department;
- (6) The Department of Industrial Relations;
- (7) The Department of Labor;
- (8) The Alabama Real Estate Commission;
- (9) The Alabama Securities Commission;
- (10) The Board of Appeals of the Department of Industrial Relations;
- (11) The Alabama State Board of Public Accountancy;
- (12) The Alabama State Bar and the Board of Commissioners of the State Bar;
- (13) The State Board for Registration of Architects;
- (14) The State Board of Auctioneers;
- (15) The Board of Barber Examiners;
- (16) The Boxing and Wrestling Commissioner;
- (17) The State Board of Chiropractic Examiners;
- (18) The Alabama Board of Cosmetology;
- (19) The Board of Dental Examiners of Alabama;
- (20) The Alabama Board of Funeral Service;
- (21) The State Licensing Board for General Contractors;
- (22) The State Licensing Board for the Healing Arts;
- (23) The Board of Hearing Aid Dealers;
- (24) The Alabama State Board of Examiners of Landscape Architects;
- (25) The State Board of Medical Examiners;
- (26) The Board of Medical Technicians Examiners;
- (27) The Board of Nursing;
- (28) The Board of Examiners of Nursing Home Administrators;
- (29) The Alabama Board of Optometry;
- (30) The Alabama State Board of Pharmacy;
- (31) The Board of Physical Therapy;
- (32) The State Board of Podiatry;
- (33) The Alabama Board of Examiners in Psychology;

(34) The Alabama Board of Examiners of Speech Pathology and Audiology;

(35) The State Board of Veterinary Medical Examiners;

(36) The State Board of Registration for Professional Engineers and Land Surveyors;

(37) The Board to Examine Entomologists, Horticulturists, Floriculturists and Tree Surgeons;

(38) The Liquefied Petroleum Gas Board;

(39) The State Pilotage Commission;

(40) The Alabama Public Service Commission;

(41) The State Board of Registration for Foresters;

(42) The Bear Creek Development Authority

(43) There is hereby created within the Office of Commerce, Labor and Manpower Relations as a Type 1 agency, the following office of state government:

(a) The Office of Consumer Affairs is hereby established to do and perform those duties and functions specifically prescribed and set forth for the Office of Consumer Protection Office established by Executive Order No. 17, 1971, and to further supervise and coordinate affairs relating to the protection of the consumer interests of our citizens.

(b) Type 2 Transfers. The following agencies are transferred to the Office of Commerce, Labor and Manpower Relations by a Type 2 transfer:

(1) The Alabama Occupational Information System;

(2) The Alabama Women's Commission;

(3) The Polygraph Examiners Board;

(4) The Board of Registration for Sanitarians;

(5) The Board of Certification of Water and Waste Water Systems Personnel.

(c) Type 3 Transfers. The following agencies are transferred to the Office of Commerce, Labor and Manpower Relations by a Type 3 transfer:

(1) The Advisory Council to the Department of Industrial Relations;

(2) The Ameraport Offshore Harbor and Terminal Commission;

(3) The Elk River Development Authority;

(4) The Alabama River Development Authority;

(5) The Advisory Council for Practical Nursing;

(6) The Advisory Council to the Board of Examiners of Nursing Home Administrators;

(7) The State Industrial Development Board

(d) Transfer of Agencies by Executive Order. The Governor may at his option by executive order transfer the following agencies created by

executive order to the Office of Commerce, Labor and Manpower Relations by the method of reorganization indicated:

- (1) The State Manpower Planning Council—Type 3 transfer;
- (2) The Office of Consumer Protection Officer—Type 3 transfer.

Section 5. Office of Natural Resources, Parks and Recreation. There is established in the Executive Department the Office of Natural Resources, Parks and Recreation. The head of the Office is the Secretary of Natural Resources, Parks and Recreation. The Office, through its units and officers, shall be responsible for supervision and coordination of all functions of state government pertaining to natural resources and energy development, environmental, forestry, parks, historical and archival services, and recreation.

(a) Type 1 Transfers. The following agencies are transferred to the Office of Natural Resources, Parks and Recreation by a Type 1 transfer:

- (1) The Department of Conservation and Natural Resources;
- (2) The Department of Publicity and Information, which shall hereafter be designated as the Dept. of Tourism;
- (3) The Geological Survey of Alabama;
- (4) The State Forestry Commission;
- (5) The State Soil and Water Conservation Committee
- (6) The State Oil and Gas Board;
- (7) The Alabama Aviation Exhibit Commission
- (8) The Alabama Surface Mining Reclamation Commission;
- (9) The Water Improvement Commission;
- (10) The Alabama Water Wells Standards Board;
- (11) The Air Pollution Control Commission;
- (12) The U.S.S. Alabama Battleship Commission;
- (13) The Alabama Coastal Area Board.

(b) Type 2 Transfers. The following agencies are transferred to the Office of Natural Resources, Parks and Recreation by a Type 2 transfer:

- (1) The Department of Archives and History;
- (2) The Water Resources Research Institute;
- (3) The Cahaba River Commission;
- (4) The Fishing Reef Ship Commission;
- (5) The Council on Alabama Archeology;
- (6) The Tennessee-Mulberry Waterway Commission;
- (7) The LaGrange Historical Commission;
- (8) The Live-in-a-Landmark Council;
- (9) The State Historic Chattahoochee Commission;

- (10) The Historic Resources Adaptors Council;
- (11) The Alabama Creek Indian Council;
- (12) The Richmond Pearson Hobson Memorial Board;
- (13) The Tannehill Furnace and Foundry Commission;
- (14) The Alabama Space Science Exhibit Committee;
- (15) The Motor Sports Hall of Fame;
- (16) The State Historic Forts and Trails Council;
- (17) The Advisory Board of Conservation and Natural Resources.

(c) **Type 3 Transfers.** The following agencies are transferred to the Office of Natural Resources, Parks and Recreation by a Type 3 transfer:

- (1) The Alabama Historical Commission;
- (2) The Division of State Parks, Monuments and Historical Sites;
- (3) The Little River Canyon Preservation Commission
- (4) The Publicity and Information Advisory Board.

(d) **Transfer of Agencies by Executive Order.** The Governor may at his option by executive order transfer the following agencies created by executive order to the Office of Natural Resources, Parks and Recreation by the method of reorganization indicated:

- (1) The Task Force on Environmental Study—Type 3 transfer; and
- (2) The Mobile County Seafoods Advisory Commission—Type 2 transfer.
- (3) The Committee to Seek the Establishment of the Solar Energy Research Institute in the Huntsville Area—Type 3 transfer;
- (4) The Alabama Energy Management Board—Type 3 transfer.

**Section 6. Office of Public Safety and Transportation.** There is established in the Executive Department the Office of Public Safety and Transportation. The head of the Office is the Secretary of Public Safety and Transportation. The Office, through its units and officers, shall be responsible for the supervision and coordination of all programs and functions of state government pertaining to public safety, law enforcement, criminal justice (excluding corrections and institutional care), and transportation.

(a) **Type 1 Transfers.** The following agencies are transferred to the Office of Public Safety and Transportation by a Type 1 transfer:

- (1) The State Highway Department, which shall hereafter be designated and known as the Department of Transportation;
- (2) The Department of Public Safety;
- (3) The Department of Toxicology and Criminal Investigation;
- (4) The State Toxicologist;
- (5) The Department of Civil Defense.

(6) The Alabama Peace Officers' Standards and Training Commission.

(b) Type 2 Transfers. The following agencies are transferred to the Office of Public Safety and Transportation by a Type 2 transfer:

(1) The Alabama Department of Aeronautics;

(c) Type 3 Transfers. The following agencies are transferred to the Office of Public Safety and Transportation by a Type 3 transfer:

(1) The Office of Coordinator of Highway Traffic and Safety;

(2) The Alabama Criminal Justice Information Center Commission.

(d) Transfer of Agencies by Executive Order. The Governor may at his option by executive order transfer the following agencies created by executive order to the Office of Public Safety and Transportation by the method of reorganization indicated:

(1) The Alabama Law Enforcement Planning Agency—Type 1 transfer or Type 2 transfer; and

(2) The State Supervisory Board of the Alabama Law Enforcement Planning Agency—Type 2 transfer.

### ARTICLE III. CONSTITUTIONAL OFFICES.

Section 1. Office of Secretary of State. The Office of Secretary of State established in Article V of the Constitution, as it is presently constituted, is continued, and the duties of that office are expanded as provided herein. The Secretary of State shall continue to exercise all the constitutional and statutory functions assigned to the office as of the effective date of this Act and may, when consistent with applicable laws, exercise the functions assigned herein to Secretaries of Executive Offices.

(a) Type 1 Transfers. The following agencies are transferred to the Office of Secretary of State by a Type 1 transfer:

(1) The State Ethics Commission; and

(2) The Board of Canvassers of Election Returns.

(b) Type 3 Transfers. The following agencies are transferred to the Office of Secretary of State by a Type 3 transfer:

(1) The County Records Commission; and

(2) The State Records Commission.

Section 2. Office of Commissioner of Agriculture and Industries; Department of Agriculture and Industries. The Office of Commissioner of Agriculture and Industries established in Article V of the Constitution, together with the Department of Agriculture and Industries, and the Board of Agriculture and Industries established in Title 2, Section 14 et seq., Code of Alabama 1940, Recompiled and amended, as they are presently constituted, are continued except as provided herein. The Commissioner and the Department shall continue to exercise the Constitutional and statutory functions assigned to them as of the effective date of this Act and may, when consistent with applicable laws, exercise the functions assigned herein to Secretaries of Executive Offices.



(a) Type 2 Transfers. The following agencies are transferred to the Office of Commissioner of Agriculture and Industries and the Department of Agriculture and Industries by a Type 2 transfer:

- (1) The Alabama Dairy Commission.
- (2) The Agricultural Center Board;

(b) Type 3 Transfers. The following agencies are transferred to the Office of Commissioner of Agriculture and Industries and the Department of Agriculture and Industries by a Type 3 transfer:

- (1) The Alabama Agricultural and Industrial Exhibit Commission;
- (2) The Farmers' Market Authority; and
- (3) The Fire Ant Study Commission.

Section 3. State Board of Education; State Superintendent of Education; Department of Education. The State Board of Education and the State Superintendent of Education provided for by Amendment 284 to the Constitution as presently constituted, are continued as provided herein above. The Board of Education and the State Superintendent of Education shall continue to exercise any Constitutional and statutory functions assigned them as of the effective date of this Act.

#### ARTICLE IV. ABOLITION OF AGENCIES.

Section 1. Agencies Abolished. The following agencies are abolished:

- (1) The State Social Security Advisory Board;
- (2) The State Sovereignty Commission;
- (3) The Advisory Council to the Governor's Committee on Employment of the Handicapped and the Employment of the Handicapped Liaison Group.
- (4) The Advisory Council on Factory-Built Housing;
- (5) The Radiation Advisory Board of Health;
- (6) The Beautification Board of the State of Alabama;
- (7) The Committee to Study Living Conditions in State Institutions;
- (8) The Civil Defense Advisory Council;
- (9) The Governor's Advisory Committee on Pornography;
- (10) The State Docks Advisory Committee;
- (11) The State Safety Coordinating Committee;
- (12) The Meat and Poultry Inspection Advisory Council;
- (13) The State Fire College Advisory Committee;
- (14) The Advisory Council to the Hospital Service Program for the Indigent;
- (15) The State Comprehensive Health Planning Advisory Council.

Section 2. Agencies Abolished. The following agencies are abolished by Executive Order:

- (1) The State Personnel Safety Committee;
- (2) The Alabama Energy Advisory Council;
- (3) The Committee on Industrial Development;
- (4) The Consumer Advisory Council;
- (5) The Veterans Training Board;
- (6) The Governor's Natural Resources Commission;
- (7) The Juvenile Correctional Study Committee;
- (8) The Alabama Youth Committee;
- (9) The Alabama Organized Crime Control Council;
- (10) The Alabama Revolution Bicentennial Commission;
- (11) The Student Leadership Commission; and
- (12) The Camp Sanitation and Advisory Committee.
- (13) The Office of Space Management.

#### ARTICLE V. ADMINISTRATIVE PROVISIONS.

Section 1. Commissioned Officers. All Secretaries of Executive Offices appointed hereunder shall obtain a commission before entering upon and exercising the duties of their respective offices in the same manner and upon the same terms and conditions applicable to those commissioned officers enumerated in Title 41, Section 10, Code of Alabama 1940, Recompiled and amended.

Section 2. Residence, Oath, Bond of State Officers. The provisions of Title 41, Sections 8 and 57, Code of Alabama 1940, Recompiled, concerning the residence, oath of office, and official bond required of State officers, shall apply to all Secretaries. Each Secretary shall, before entering on the duties of his office, execute to the State a bond in the amount of Fifty Thousand Dollars (50,000.00) for the faithful performance of his duties, same to be approved by the Governor.

Section 3. Classification and Compensation of Employees. Except as otherwise provided herein, all classified employees of an Executive Office and the units thereof shall receive salary and compensation in the amount fixed by the State Merit System Law. The Secretary of each Executive Office shall fix compensation for staff serving in the Office of the Secretary in amounts consistent with positions of comparable responsibilities under the pay plan applicable to the State Merit System. Persons appointed to and serving as Director of Management and Administrative Planning, Federal Programs Liaison Officer, Secretaries of any Executive Office created herein or as head of any department or agency established as part of the reorganized Executive Department shall be in the exempt service of the State. The compensation of such persons shall be fixed in the amount and manner provided for herein and no such person so appointed or serving shall be required, by virtue of such appointment or service, to receive less compensation than such person is presently receiving should such officer, Secretary, department or agency head

currently be in the service of the State. It shall become the responsibility of each Secretary to determine that no employee be compensated by the State unless that person works full-time in the actual agency to which he or she is assigned for pay purposes.

Section 4. Applicability of Alabama Sunset Law of 1976. In accordance with Section 6 of Act No. 512 enacted at the 1976 Regular Session of the Legislature (Act No. 512), the life of the newly created agencies established herein is declared to be four (4) years. Such agencies shall be reviewed in accordance with schedule and requirements to be established by the Sunset Committee created by the Alabama Legislature.

#### ARTICLE VI. MISCELLANEOUS PROVISIONS.

Section 1. Effective Date. The reorganization of the Executive Department, as authorized and directed herein, shall become effective upon the commencement of the term of office of the Governor beginning in January of 1979.

Section 2. Budgets and Appropriations. In preparing budget proposals and appropriation legislation for the fiscal year October 1, 1978—September 30, 1979, the Governor, through the State Budget Officer, and the Legislative Fiscal Officer shall develop and prepare their respective budget proposals and recommended legislative appropriations to accommodate the provisions of this Act as follows:

(a) The first quarter of fiscal year 1978-1979 (October 1, 1978—December 31, 1978) and, in addition, the period January 1 through January 15, 1979, shall be budgeted, appropriated and allotted on the same basis as the previous period of fiscal year 1977-1978; and

(b) The remaining period of fiscal year 1978-1979 (January 16, 1979 through September 30, 1979), during which the provisions of this Act shall be in effect, shall be budgeted, appropriated and allotted on the basis of the reorganized Executive Department as provided herein.

Section 3. Restrictions on State Employment. In the preparation of the budgets for fiscal year 1980-81 and for each year thereafter, the Governor shall establish by Executive Order the maximum number of persons which may be employed by each of the Cabinet Offices, thereby restricting total employment by all agencies assigned to each Office. Each Secretary shall be responsible for demonstrating to the Governor and to the Legislature the manner in which these numerical restrictions on employment may be effectively maintained. Specified employment levels shall be enforced by the Governor. The Governor shall retain the authority to order any reductions in employment necessary at any level of state government to assure full compliance with the original restrictions contained in the budgets.

Section 4. Cabinet Appointments. The Governor elected in the General Election of 1978 and whose term commences in January of 1979, shall structure the Executive Department and make appointments to his cabinet and to the Executive Offices here created on the basis of the provisions of this Act.

Section 5. Evaluation and Future Reorganization. The several Secretaries appointed to the Executive Offices provided for herein are, in addition to their administrative duties, charged with the further responsibility of reviewing and evaluating the Executive Office which they

head for the purpose of further reorganization and consolidation. Each Secretary shall report to the Governor prior to the commencement of the Legislative session of the State Legislature 1980 specific plans for the further internal reorganization of their respective offices. The Governor, in turn, shall report to the Legislature on the first legislative day of the Regular Session 1980, comprehensive and detailed plans for the future reorganization of the Executive Offices created and the consolidation of units of government assigned thereto and shall cause to be filed a bill of reorganization. Such reorganization plan submitted by the Governor in bill form shall contain proposals which achieve a minimum of five percent (5%) reduction in overall administration and operating costs for the respective Executive Offices for the fiscal year commencing on October 1, 1980. The failure of either or both the House of Representatives and Senate to reject such reorganization recommendations shall constitute approval thereof. In the absence of disapproval, the budget proposal and the appropriation adopted for the fiscal year 1980-1981 shall reflect such reorganization and cost reductions.

**Section 6. Agencies not Specifically Named.** Any department, agency, unit or function of the Executive Department of government, as defined herein, not specifically assigned to an Executive Office or Constitutional Office under the provisions of this Act, unless specifically excepted from this Act, shall advise the Governor by written report not more than ninety (90) days following the effective date of this reorganization, stating the designation of such department, agency, unit or function, its purpose and present organization and its recommendation for the inclusion of such department, agency, unit or function within the reorganized agencies of the Executive Department. Following such written notification, the Governor shall have the authority within thirty (30) days to assign or abolish by Executive Order any such agency not specified in this Act to an Executive Office or constitutional office under this Act.

**Section 6. Classified Employees.** All rights and privileges afforded by the State Merit System Law to classified employees, as they pertain to compensation, employment, reemployment, benefits and all other aspects of service, shall be preserved and not impaired in any wise by the provisions of this Act.

Mr. Noonan moved that further consideration of the Bill, S. B. 542, and pending substitute, be postponed until the Twenty-First Legislative Day as Unfinished Business, and further moved that a select committee be created to study said substitute.

On motion of Mr. King, said motion was laid on the table.

Yeas 17; Nays 14.

*Yeas:*

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Gilmore, King, Littleton, Mitchell, Owen, Pearson, Peden, Powell, Roberts, Shelby, Teague.

—17

*Nays:*

Messrs. Bank, Goodwin, Higginbotham, Jones, Little, McDonald (A), McDonald (S), McMillan, Miller, Mims, Noonan, Vacca, Waldrop, Wilson.

—14

Mr. McDonald (A) moved that further consideration of the Bill, S. B. 542, and pending substitute be postponed until the Twentieth Legislative Day as Unfinished Business.

On motion of Mr. King, the motion to postpone was laid on the table.

Yeas 15; Nays 13.

*Yeas:*

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Gilmore, King, Littleton, Owen, Pearson, Peden, Powell, Roberts, Shelby.

— 15

*Nays:*

Messrs. Goodwin, Higginbotham, Little, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Vacca, Waldrop, Wilson.

— 13

On motion of Mr. McDonald (A), further consideration of the Bill, S. B. 542, and pending substitute, was postponed until the next Legislative Day as Unfinished Business.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Dial, Mitchem and Cates:

H. 669. To name the new National Guard Armory in Guntersville, Alabama, "The Robert M. Kelley, Jr. National Guard Armory."

Also:

By Mr. Folmar:

H. 503. To name the new National Guard Armory in Troy, Alabama the "Ralph Wyatt Adams National Guard Armory."

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 669 and 503. To the Committee on State Government.

#### RECESS

At 12:30 P.M., on motion of Mr. Little, the Senate took a recess until 1 o'clock this afternoon.

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AFTERNOON SESSION  
EIGHTEENTH LEGISLATIVE DAY  
THURSDAY, APRIL 7, 1977

The Senate re-assembled at 1 o'clock P.M. and was called to order by Lieutenant Governor Beasley.

ROLL CALL

Present:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

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MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 651. Relating to all counties having populations of not less than 115,000 nor more than 150,000 according to the 1970 or any subsequent federal decennial census; authorizing the Alabama Alcoholic Beverage Control Board to permit the sale of draft or keg beer in said county.

Also:

H. 154. To amend Section 290 and 291 of Title 28, Code of Alabama 1940, and Section 282 of Title 28, Code of Alabama 1940, as amended by Section 1 of Act No. 561, Regular Session 1975, Section 285 of Title 28, Code of Alabama 1940, as amended by Section 4 of Act No. 561, Regular Session 1975, all of which provide for credit unions in Alabama, so as to provide for an increased maximum of the par value of a share, to eliminate unnecessary language concerning loans, to elect a president who is an employee of the credit union and to remove statutory restrictions on the disbursement of loan funds.

Also:

H. 744. To amend Section 2 of Act No. 908, H. 1692, Regular Session 1971 (Acts 1971, p. 1672), which act provides for a contingent fund for certain counties classified on a population basis, so as to provide certain traveling expenses to county officials.

Also:

H. 89. To provide sick leave for school bus drivers and full-time support personnel who are non-certificated educational employees in city and county school systems and the Alabama Institute for Deaf and Blind.

Also:

H. 628. Relating to Blount County; to authorize the county commission, within its sole discretion, to employ and set the salaries of

such clerical assistants as the tax assessor, tax collector and probate judge may recommend for their respective offices.

Also:

H. 338. To provide that the Administrative Director of Courts, with the approval of the Chief Justice, is authorized to appoint and employ not more than two confidential secretaries who shall serve at the pleasure of the Chief Justice; said secretary or secretaries shall be subject to the Merit System Act only as to pay plan, and shall be assigned to assist retired justices or judges who perform active duty for the Supreme Court or one or both of the courts of appeals.

Also:

H. 91. To authorize such municipality in this state to acquire, finance, establish, own, use, operate, manage and control parks, playgrounds and recreational or athletic areas situated wholly or in part outside of its corporate limits; to provide the conditions upon which a park, playground, or recreational or athletic area may be used or established within the corporate limits or police jurisdiction of another municipality or within a county other than that in which a municipality establishing the same shall be situated; to provide that all authority heretofore and hereinafter granted to municipalities with respect to parks, playgrounds and recreational or athletic areas within the corporate limits of a municipality shall be applicable to and may be exercised by a municipality with respect to any park, playground or recreational or athletic area located wholly or in part outside its corporate limits; to provide that a municipality may join and cooperate with one or more municipalities in acquiring, financing, refinancing, providing, establishing, installing, using and managing parks, playgrounds, and recreational or athletic areas, making the same common to the use of such municipalities and in fixing and charging fees and making rules and regulations for the conduct, management and use thereof and providing that all municipalities shall jointly have the same powers and authorities conferred by the act upon each; to authorize governing bodies of two or more municipalities to establish jointly an authority as a public corporation for the purposes of acquiring, financing, refinancing, providing, establishing, installing, using or managing parks, playgrounds, and recreational or athletic areas, making the same common to the use of such municipalities or in fixing and charging fees and in making rules and regulations for the conduct, management and use thereof; to provide that neither the act nor anything therein contained shall be construed as a restriction or limitation upon any power which a municipality might otherwise have under any laws of the state.

Also:

H. 617. To provide for the compensation of the chairman and members of the Waterworks Boards of any city having a population of not less than 18,250 nor more than 19,250 inhabitants according to the most recent or any subsequent federal decennial census; and to make the provisions of this act retroactive to October 1, 1976.

JOHN W. PEMBERTON,  
Clerk.

## SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 362. COMMENDING THE THORSBY HIGH SCHOOL BASKETBALL TEAM FOR A SUCCESSFUL SEASON.

Also:

H. J. R. 410. COMMENDING MR. JIM OAKLEY, JR., OUTSTANDING MEMBER OF ALABAMA'S NEWSPAPER INDUSTRY.

Also:

H. J. R. 411. COMMENDING WEST MORGAN HIGH SCHOOL ON THEIR REGION 7, 2A BASKETBALL CHAMPIONSHIP.

Also:

H. J. R. 412. COMMENDING DANVILLE HIGH SCHOOL ON THEIR REGION 8, 1A BASKETBALL CHAMPIONSHIP.

Also:

H. J. R. 414. COMMENDING THE CHARLES HENDERSON HIGH SCHOOL DEBATE TEAM.

Also:

H. J. R. 429. CONGRATULATING JEFFERSON STATE'S GIRLS GYMNASTIC TEAM ON THEIR NATIONAL CHAMPIONSHIP.

Also:

H. J. R. 434. COMMENDING ROBERT W. JONES FOR HIS MANY CONTRIBUTIONS TO THE CIVIC, RELIGIOUS AND POLITICAL AFFAIRS OF HIS COMMUNITY.

Also:

H. J. R. 438. CONGRATULATING C. E. "BUTCH" AVINGER FOR BEING UNDER CONSIDERATION BY PRESIDENT CARTER FOR THE POSITION OF COMPTROLLER OF THE CURRENCY.

Also:

H. J. R. 446. CREATING A SELECT JOINT COMMITTEE TO



**INSPECT DAMAGES SUFFERED IN THE BIRMINGHAM AREA AS  
A RESULT OF A TORNADO ON APRIL 4, 1977.**

**JOHN W. PEMBERTON,**  
Clerk.

**SIGNING OF RESOLUTIONS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

**MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

**H. J. R. 427. COMMENDING THE SELMA HIGH SCHOOL  
SAINTS ON WINNING THE STATE 4A CROWN.**

Also:

**H. J. R. 431. CONGRATULATING MISS CARLA PARKER ON  
BEING NAMED "MISS COOSA COUNTY."**

Also:

**H. J. R. 437. COMMENDING C. DENNIS BUCKNER, NAMED  
SYLACAUGA'S MOST OUTSTANDING YOUNG MAN FOR 1976.**

Also:

**H. J. R. 441. COMMENDING THE THOMPSON HIGH  
SCHOOL BASKETBALL TEAM ON THEIR STATE 3A CHAMPION-  
SHIP.**

**JOHN W. PEMBERTON,**  
Clerk.

**SIGNING OF RESOLUTIONS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

**RESOLUTION**

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

**S. R. 319. RESOLVED** by the Senate that the following business in the order named be made the special, paramount and continuing order of business immediately upon adoption of the resolution for the 18th

Legislative Day only; taking precedence over all other business and the regular order of business for said legislative day:

Bill No.	Page No.	Description
H. 106	59	Certificate of Title
S. 345	20	Board of Nursing
S. 389	22	Department of Education
S. 45	28	Voter Registration
S. 197	57	Board of Education
S. 54	25	Corporations
S. 206	65	Emergency Medical Service
S. 464	129	National Youth Administration
H. 316	82	Teacher Units
S. 532	126	Billboards
S. 124	85	State Agencies
S. 182	26	Constitution Convention
S. 234	118	Bible Sales
S. 10	87	Examiner of Public Accounts
S. 125	60	Sale of Articles
H. 380	61	Rape Bill
S. 634	24	
S. 191	24	Confidential Communications
S. 614	121	Dairy Commission
S. 295	59	Relocation of Utilities
S. 2	59	Liquefied Petroleum
S. 394	51	Disability
S. 576	111	Highway Department
S. 288	25	Probate Court
S. 348	21	Prison System
S. 423	42	Forestry Commission
S. 533	140	Detainers
S. 336	70	Habitual Offender
S. 541	180	School Bus Maintenance
S. 216	19	Dependents for Blind
S. 260	80	Workmens Compensation
S. 323	74	Liquor Law

On motion of Mr. Littleton, the Resolution was adopted by the Senate.

### SPECIAL ORDER

#### BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

H. 106. To amend Section 5 and 19 of Act 765, Regular Session, 1973 Alabama Legislature, to remove the requirement of a copy of each security interest document when perfecting a security interest in a vehicle of a type which a certificate of title is required; and for related purposes; and to set an effective date.

And said Bill, H. B. 106, was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Jones, King, Little, Littleton, McDonald (S), McDonald (S), Miller, Mims, Noonan, Owen, Pearson, Peden, Perloff, Powell, Roberts, Stewart, Teague, Vacca, Waldrop.

—25

*Nays:*

—0

The Bill:

S. 345. To authorize and direct the Alabama Board of Nursing to promote continuing education for nurses, and to make an appropriation to the Alabama Board of Nursing to fund the development and production of continuing nursing education programs, seminars and workshops for nurses.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 28; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Higginbotham, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Miller, Mims, Noonan, Owen, Pearson, Peden, Perloff, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop.

—28

*Nays:*

—0

The Bill:

S. 389. To authorize the State Department of Education to contract with Management Services Associates, Inc., of Austin, Texas, to conduct an independent study of services to the blind in Alabama; and to make a supplemental appropriation, in an amount not to exceed \$30,000.00 out of

the Alabama Special Education Trust Fund to cover the cost of such study, to the State Department of Education for the current fiscal year.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 29; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Higginbotham, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop.

—29

*Nays:*

—0

The Bill:

S. 197. To permit the State Board of Education, through the State Superintendent of Education, to enter into an interstate agreement known as the "Interstate Agreement on Qualification of Educational Personnel" for the purpose of establishing cooperative arrangements with other states for persons to meet teacher certification requirements.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 31; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Higginbotham, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Powell, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop.

—31

*Nays:*

—0

The Bill:

S. 54. To provide further for the organization, admission, consolidation, merger and dissolution of certain corporations, and to prescribe the powers, authority and duties of such corporations, and of the officers, directors and shareholders thereof; subject to the provisions of Section 188 of this Act, to repeal Sections 1 through 86, and 90 through 101 of Act No. 414, General Acts of Alabama, Regular Session 1959, as amended; and Sections 132 through 137 of Title 13 of the Code of Alabama of 1940.

was taken up.

Mr. Edwards offered the following amendment to the Bill, S. B. 54, to-wit:

#### AMENDMENT TO SENATE BILL 54

Amend Senate Bill 54 on page 53 by adding the following to the end of line 34.

Provided, however, if a corporation is engaged in the business of banking, its books and records of account and minutes relating to the private financial affairs of borrowers and depositors who are neither officers, directors, or employees of the bank nor who are related to or engaged in business with an officer, director, or employee shall not be subject to examination by such a stockholder or by his agent or attorney in the absence of an order of a court of competent jurisdiction, after inspection of such books and records of account and minutes in camera, that such examination is necessary; and said order shall be subject to review in the Supreme Court of Alabama on writ of mandamus. Provided further that if a corporation is engaged in the business of banking, its said books and records of account and minutes shall be deemed not to include any reports of examination by state or federal supervisory agencies nor any actions taken nor reports made by the corporation to bank supervisory authorities pursuant thereto.

Which was adopted.

Yeas 27; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Goodwin, Higginbotham, King, Little, McDonald (A), McDonald (S), McMillan, Miller, Mitchell, Noonan, Pearson, Perloff, Powell, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—27

*Nays:*

—0

And said Bill, S. B. 54, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 29; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Miller, Mitchell, Noonan, Owen, Pearson, Perloff, Powell, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—29

*Nays:*

—0

#### FURTHER CONSIDERATION OF S. B. 62

The Senate proceeded to further consideration of the Bill, S. B. 62. The question was on the amendment offered by Mr. Little, which said amendment is set out in the Journal of the Senate for the Thirteenth Legislative Day.

On motion of Mr. Little, said amendment was laid on the table.

Mr. Little then offered the following amendment to the Bill, S. B. 62, as amended, to-wit:

## AMENDMENT TO S. B. 62

On line 11, page 1, change the figure \$30,000,000 to \$15,600,000

Also on line 12 insert between "constructing" and "public" the words: and maintaining

Also on line 34 strike the word "providing" and insert in lieu thereof the word: maintaining

On page 8, line 21 strike the figure \$30,000,000 and insert in lieu thereof the figure \$15,600,000

On line 28, strike the figure 16,000,000 and insert in lieu thereof 1,600,000

On line 30 strike the words "acquiring, constructing" and on line 31 insert immediately preceding the word "and" the words and figures: , renovating

and on page 15 on line 11 strike the word "constructed" and add in lieu thereof the words: maintained or renovated

and on line 13 delete the word "major"

On page 20, line 21 insert between the words "structed" and "by" insert the words: or maintained or renovated

on page 21, line 23, insert a period after the word "officers" and delete the rest of that line. Delete all of line 24 and line 25 through the word "Alabama."

On page 22, line 7 strike that part of the sentence after the word "then" and strike line 8 through the word "any" and insert in lieu thereof the word no

On line 20, page 22 strike the words following the word "occupied" and on line 21 strike through the word "or"

Which was adopted.

Yeas 30; Nays 2.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Gilmore, Goodwin, Higginbotham, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Powell, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—30

*Nays:* Messrs. Fine, Jones.

—2

Mr. Little then offered the following amendment to the Bill, S. B. 62, as amended, to-wit:

## AMENDMENT TO S. B. 62, AS AMENDED

Amend S. B. 62, as amended on page 23 by inserting a "period" after the word government on line 24 and thereafter striking out lines 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36 in their entirety.

Which was adopted.

Yeas 31; Nays 1.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Gilmore, Higginbotham, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Powell, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—31

*Nay:* Mr. Fine.

—1

And said Bill, S. B. 62, as thus amended, was read a third time at length and passed.

Yeas 23; Nays 8.

*Yeas:*

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Gilmore, Goodwin, King, Littleton, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Powell, Roberts, Teague, Vacca, Waldrop, Wilson.

—23

*Nays:*

Messrs. Bank, Fine, Higginbotham, Jones, Little, McDonald (A), McDonald (S), Stewart.

—8

## BILLS ON THIRD READING RESUMED

The Bill:

S. 206. Relating to emergency medical services in hospitals; authorizing the State Board of Health to establish, promulgate and enforce rules, regulations and minimum standards for the operation of emergency departments in hospitals of this State and to provide for the categorization of hospitals according to the capabilities of such departments and medical services available.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 30; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Owen, Pearson, Peden, Perloff, Roberts, Stewart, Teague, Vacca, Waldrop, Wilson.

—30

*Nays:*

—0

The Bill:

S. 45. Providing further for the registration of voters, providing for additional times and places for the meeting of the boards of registrars and amending existing state laws so as to be consistent therewith.

was taken up.

The Standing Committee on Education reported the following amendment to the Bill, S. B. 45, to-wit:

COMMITTEE AMENDMENT TO S. B. 45

Amend Senate Bill 45, Page 2, Section 28 line 18 after the word "attending" by changing the word "irregardless" to the word "regardless".

Which was adopted.

Yeas 28; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Higginbotham, Jones, King, Littleton, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Shelby, Stewart, Vacca, Waldrop, Wilson.

—28

*Nays:*

—0

Mr. Perloff offered the following amendment to the Bill, S. B. 45, as amended, to-wit:

AMENDMENT TO S. B. 45, AS AMENDED

Amend Senate Bill No. 45 Page 2 Line 16, by inserting the word "or" after the word "colleges" and by striking out the words "and institution of higher learning"

Also by inserting the word "or" after the word "college" on line 23 page 1 and by striking out the words "or institution of higher learning"

Which was adopted.

Yeas 23; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, King, Littleton, McDonald (A), McDonald (S), McMillan, Miller, Mims, Noonan, Pearson, Perloff, Roberts, Shelby, Stewart, Vacca, Waldrop.

—23

*Nays:*

—0

Mr. Waldrop offered the following amendment to the Bill, S. B. 45, as amended, to-wit:



AMENDMENT TO S. B. 45, AS AMENDED

Amend Senate Bill No. 45 Page 2 Line 19, by inserting after the word "reside" and before the word "Section 5": and renumber accordingly.

Section 5. This Act shall not apply to Etowah County.

Which was adopted.

Yeas 8; Nays 6.

*Yeas:*

Messrs. Edwards, Little, Mims, Noonan, Owen, Perloff, Shelby, Teague.

—8

*Nays:*

Messrs. Bank, Fine, McDonald (A), McDonald (S), McMillan, Roberts.

—6

And said Bill, S. B. 45, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 27; Nays 2.

*Yeas:*

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Higginbotham, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Miller, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop.

—27

*Nays:* Messrs. Baker, Jones.

—2

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I transmit herewith a Message from the Governor relative to the appointment to the Pardons and Parole Board.

Respectfully submitted,

HENRY B. STEAGALL, II,  
Executive Secretary.

Done this 7th day of April, 1977.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Representative John Thomas Porter to the Pardons and Parole Board to fill the vacancy created

by the resignation of Mr. Norman F. Ussery whose term expires June 30, 1977.

Respectfully,  
GEORGE C. WALLACE,  
Governor.

Done this 7th day of April, 1977.

#### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to the appointment to the State Board of Pardons and Paroles was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama 36130

Gentlemen:

I transmit to you a message from the Governor concerning appointments which require consideration and confirmation by the Senate of Alabama.

Respectfully submitted,  
HENRY B. STEAGALL, II,  
Executive Secretary.

Done this 7th day of April 1977.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama 36130

Gentlemen:

While I have today submitted to you for your consideration and confirmation the name of Representative John Porter to serve on the State Board of Pardons and Paroles, I also call to your attention that there are some 60 other distinguished Alabamians whose names I have previously submitted to you for consideration and confirmation. The Senate has not been given the opportunity to take action on the confirmation of these appointments because their nominations have not been reported by the Rules Committee.

These fine citizens of Alabama deserve to have their appointments considered for confirmation by this body. The Rules Committee of the Senate is morally bound to consider these appointments and take some action on them. I realize that it is the duty of the Governor to make appointments and that it is the privilege and duty of the Senate to confirm or not confirm them; however, these people have a right to be considered and the Senate of Alabama should do its duty in this regard.

It is embarrassing to these fine Alabamians to have their names submitted to the Senate of Alabama for confirmation and then not be considered by this body. Among those submitted are fine white people, fine black people, and fine women.

I also call to your attention that among these some 60 nominations is that of Henry B. Gray, III, who is serving as Adjutant General of the State of Alabama and deserves the support of the Senate of Alabama by your confirmation of his nomination.

I respectfully request the Rules Committee to act promptly in submitting to the Senate the names of these fine citizens of Alabama who deserve the consideration of this body in the confirmation of their appointments.

Respectfully,  
GEORGE C. WALLACE,  
Governor.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to his pending appointments, was read and ordered spread upon the Journal.

### BILLS ON THIRD READING RESUMED

The Bill:

S. 464. To provide that persons who served two or more years with the National Youth Administration during World War II shall be allowed to make certain contributions into the state retirement systems and shall have such service time credited as state service toward their retirements.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 16; Nays 5.

*Yeas:*

Messrs. Adams, Bank, Clemon, Ellis, Fine, Gilmore, Goodwin, Jones, Littleton, Mims, Mitchell, Peden, Shelby, Teague, Vacca, Waldrop.

— 16

*Nays:*

Messrs. Baker, Edwards, King, Little, McDonald (A).

— 5

The Bill:

S. 532. To amend Code of Alabama, 1940, as amended, Title 29, Section 12; so as to prohibit the advertising of alcoholic beverages by billboards in "dry" counties; and to permit such advertising in "wet" counties.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 13; Nays 11.

Abstaining 1.

*Yeas:*

Messrs. Bank, Clemon, Fine, Gilmore, Higginbotham, King, Littleton, Owen, Peden, Perloff, Roberts, Waldrop, Wilson.

— 13

*Nays:*

Messrs. Adams, Baker, Edwards, Ellis, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan.

— 11

*Abstaining:* Mr. Miller.

— 1

Mr. Fine moved that the Senate reconsider the vote by which the Bill, S. B. 532, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

The Bill:

S. 124. To require any state agency, board, commission or department to give reasonable public notice and to hold public hearings in any community which will be affected by any policy, directive, rule or regulation it proposes which concerns people or property; to provide the manner of notice and publication of such rules and regulations; to prescribe the rights of any party damaged as a direct result of the director, department head, or like supervisor issuing such directive, rule or regulation; and to prescribe penalties for violating the provisions of this act.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Jones, King, McDonald (S), McMillan, Miller, Mims, Noonan, Peden, Perloff, Roberts, Stewart, Wilson.

— 20

*Nays:*

— 0

Mr. Ellis requested and received unanimous consent to have his name added as co-sponsor of the above Bill:

The Bill:

H. 316. To amend Title 52, Section 215(a4) relating to the determination of the number of teacher units allowed, so that the period for which average daily attendance is required is changed from the school year to the first four scholastic months of any school term and giving this Act retroactive effect.

was taken up

Mr. Waldrop offered the following substitute for the Bill, H. B. 316, to-wit:

## SUBSTITUTE FOR H. B. 316

A BILL  
TO BE ENTITLED  
AN ACT

To amend Title 52, Section 215(a4) relating to the determination of the number of teacher units allowed, so that the period for which average daily attendance is required is changed from the school year to the first six scholastic months of any school term and giving this Act retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. Title 52, Section 215(a4) is hereby amended to read as follows:

“Section 215(a4). In determining the number of teacher units to be allowed a county or an independent city for the purpose of apportioning the minimum program fund, one teacher unit shall be allowed for each twenty-eight pupils in average daily attendance, during the preceding school year during the first six scholastic months of the preceding school year in all public schools of the county, including schools in the independent cities therein, provided that those systems which show an increase in average daily attendance during the first six scholastic months of the subsequent current year may be allowed one additional teacher unit for each twenty-eight pupils in such increase in average daily attendance for such subsequent current year.”

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This amendatory Act shall have retroactive effect to the beginning of the 1976-77 school year.

On motion of Mr. Gilmore, said substitute was laid on the table.

And said Bill, H. B. 316, was read a third time at length and passed.

Yeas 32; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Higginbotham, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Powell, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—32

*Nays:*

—0

The Bill:

S. 182. To provide for holding a convention to revise and amend the Constitution of this state.

was taken up.

The Standing Committee on Constitution and Elections reported the following substitute for the Bill, S. B. 182, to-wit:

## COMMITTEE SUBSTITUTE FOR S. B. 182

A BILL  
TO BE ENTITLED  
AN ACT

To provide for holding a convention to revise and amend the Constitution of this state.

Be It Enacted by the Legislature of Alabama:

Section 1. On the first Tuesday after the expiration of three months from the final adjournment of the 1977 session, an election shall be held in the several counties of the state for the purpose of determining whether or not a convention shall be held to revise and amend the Constitution of this state. At that election the question of convention or no convention shall be submitted to a vote of the qualified electors of this state. If a majority of the voters voting at said election approve the holding of a convention for the purpose stated, said convention shall be held as hereinafter provided.

Section 2. Every qualified elector voting at the election provided by the first section of this act who approved of the holding of such convention shall declare the same by depositing his ballot at the voting place where he may be entitled to vote, marked with a cross before the words, "For Constitutional Convention" printed thereon; and every qualified voter of this state voting at said election who disapproves of the holding of such convention shall deposit his ballot, marked with a cross mark before the words, "Against Constitutional Convention" printed thereon.

Section 3. The form of the ballots used in said election shall be substantially as follows:

## OFFICIAL BALLOT

Election on

## CONSTITUTIONAL CONVENTION

Shall a Constitutional Convention be called to revise and amend the Constitution of the State?

☐ FOR CONSTITUTIONAL CONVENTION

☐ AGAINST CONSTITUTIONAL CONVENTION

Instruction: To vote, make a cross mark (x) in the square before and opposite the words expressing your choice.

Section 4. Except as herein otherwise provided, the general election laws shall in every respect apply to the election provided for in section one of this act, and the votes cast at such election shall be canvassed, tabulated, and returns made thereof to the secretary of state and be counted in the same manner as in elections for representatives in the legislature.

Section 5. The governor must give notice by proclamation, published in three daily papers in different parts of the state, of the result of the election provided for in section one of this act.

Section 6. At the time of the election prescribed by Section 1 of this act, two delegates to such convention shall be elected by the qualified electors of each of the legislative representative districts into which

Alabama is divided pursuant to the order of the United States District Court for the Middle District of Alabama, Northern Division, in the case of Sims et al v. Amos et al, dated August 3, 1973, as amended by an order dated January 4, 1974, for the purpose of electing in 1974 members of the House of Representatives of the Alabama legislature. An official ballot shall be prepared for the election of delegates, which shall be separate and distinct from the ballot on which is printed the words "For Constitutional Convention" and "Against Constitutional Convention." Each candidate for delegate shall qualify to have his name placed upon the ballot in his respective district by submitting to the secretary of state not less than 30 days prior to the election a petition requesting his candidacy signed by not less than 300 electors qualified to vote in the election in that district. The names of all delegates from the several legislative districts and counties, so nominated, shall be printed on the ballots of their respective districts. The voter shall express his choice of candidates from the district in which he lives by making a cross mark before the names of two candidates for delegate from such district. The official ballot containing the names of all candidates shall be prepared as official ballots are prepared in general elections. The two candidates in each district receiving the greatest number of votes shall be elected. Should any two candidates tie for second place with exactly the same number of votes, a second election in which those two shall be candidates shall be held on the third Tuesday next thereafter. The candidate receiving the greatest number of votes shall be elected.

Section 7. All delegates to said convention shall be citizens of the state and qualified electors, and residents of their respective districts. No person shall be disqualified from being a delegate on account of the fact that he holds an office of honor or profit under the state or federal government.

Section 8. All provisions of the law governing general elections shall apply to the election of delegates to the constitutional convention except as herein otherwise provided. The ballots shall be prepared and furnished and the votes cast at such election shall be canvassed, tabulated, and returns thereof made to the secretary of state and counted in the same manner as in elections for representatives to the legislature. The secretary of state shall, within ten days after receiving the returns of the election, furnish the elected delegates with certificates of election.

Section 9. Separate ballots shall be prepared and used for voting on the question of "Convention or No Convention" and for the election of delegates, and separate ballot boxes shall be provided, and separate returns made for each election. The same officers shall serve in both elections.

Section 10. If the holding of a constitutional convention be approved by a majority of those voting at such election, the delegates elected thereto shall convene in such hall in the city of Montgomery, Alabama, as is designated by the chief justice of the state supreme court on the third Tuesday in September, 1977, at twelve meridian of said day. The convention shall be called to order by the chief justice of the supreme court, or in his absence by the senior member in service of the supreme court present, who shall call the convention to order and preside until it is organized, and the convention shall proceed to organize by election of a president and such other officers (who need not be delegates) as said convention may deem necessary for the proper performance of the duties of the convention. The convention shall continue in session until it shall, by

careful revision and amendment of the present constitution, frame and adopt a revised constitution for this state.

Section 11. In case any dispute occurs as to the right of any person to sit in said convention as a delegate thereto, the question shall be decided by said convention, which shall be the exclusive judge of the election, qualification and returns of its own members. Any person desiring to contest the election, may do so in the same manner as the election of a member of the house of representatives of the legislature is contested, and by giving the same bond, and testimony shall be taken in the same method.

Section 12. The delegates to said convention shall be supplied with stationery and the use of the books, statutes, reports and documents the same as members of the legislature. The officers of said convention shall receive the same compensation, payable out of the treasury of the state, as corresponding officers of the house of representatives are by law allowed. The said delegates shall receive for their services the same per diem, expenses and mileage from the treasury of this state as is allowed to members of the legislature. These payments shall be made on the certificates of the president and secretary or clerk of the convention, to the state comptroller, as payment of the compensation, expenses and mileage to members of the legislature is by law directed to be made; provided, that per diem compensation shall not be allowed or paid to any member of the convention for a longer time than fifty days.

Section 13. Before entering upon the discharge of his duties as a member of said convention under this act, each delegate shall, before a judge of the circuit or supreme court or court of appeals of this state, take the following oath: "I do solemnly swear that I will support the Constitution of the United States, and I will honestly and faithfully perform the duties which are now to devolve on me as a delegate of this convention, so help me God."

Section 14. It shall be the duty of said convention to cause to be filed with the secretary of state, within one week after its adjournment, certified by the president and secretary or clerk, a clear and correct copy of the Constitution which the convention may adopt. The convention shall cause a correct journal of its proceedings to be kept, and cause the same, certified by the president and secretary or clerk, to be filed on its adjournment with the secretary of state.

Section 15. Upon adoption of a constitution by the convention, within one week after the filing thereof with the secretary of state, the governor shall issue a proclamation making known the fact that such constitution has been framed and ordering an election to be held in the several counties of the state for the purpose of submitting this constitution to the qualified voters of the state for ratification or rejection. The proclamation shall be published in the same manner required by Section 5 of this act. The election shall be held not less than 20 days nor more than 60 days after the governor's proclamation.

Unless otherwise provided herein the general law regulating elections shall in every respect apply to and govern the election required by this section. The ballots shall be prepared, the votes cast and such election shall be canvassed, tabulated and returns made thereof to the secretary of state and counted in the same manner prescribed by the general election laws.

Section 16. At the election provided by the preceding section, every qualified voter who is in favor of the ratification of the constitution so



framed by the convention shall declare the same by depositing his ballot at the voting place where he may be entitled to vote, marked with a cross mark before the words "For Constitution," printed thereon; and every qualified voter of this state, voting at said election who is against the ratification of said constitution shall deposit his ballot, marked with a cross mark before the words "Against Constitution," printed thereon. Except as herein otherwise provided, the general election laws of this state shall in every respect apply to the election provided for in Section 15 of this act, and the votes cast at such election shall be canvassed, tabulated, and returns made thereof to the secretary of state and be counted in the same manner as in such elections.

The governor shall by proclamation, published in the same manner that notice of this election was published, declare the result of this election, and if it be found that the Constitution has been ratified by a majority of the qualified electors voting at said election, the governor in his proclamation shall name the date, not more than ten days from the date of such proclamation, on which the new constitution, so ratified, shall go into effect as the Constitution of the State of Alabama, and from and after that designated day such constitution shall be binding and obligatory as such upon all the people of this state.

Section 17. A copy of the proposed constitution shall be published by the governor in one of the following ways: The governor may cause the proposed constitution to be published at the same time and in the same manner that he publishes his proclamation setting the date for the submission of the proposed constitution for ratification or rejection by the qualified voters of this state, pursuant to Section 15 hereof, or he may cause such proposed constitution to be printed upon a separate sheet and circulated with the newspaper in which the proclamation required by Section 15 shall be published.

The Standing Committee on Constitution and Elections then reported the following amendment to the substitute for the Bill, S. B. 182, to-wit:

**AMENDMENT TO SENATE CONSTITUTION AND ELECTIONS  
COMMITTEE SUBSTITUTE FOR S. B. 182**

Amend Section 12 by inserting the words "non personalized" after the word "with" on line 12.

On motion of Mr. King, said amendment was laid on the table.

On Motion of Mr. King, said substitute was laid on the table.

Mr. King then offered the following substitute for the Bill, S. B. 182, to-wit:

**SUBSTITUTE FOR S. B. 182**

**A BILL  
TO BE ENTITLED  
AN ACT**

To provide for holding a convention to revise and amend the Constitution of this state, to provide consulting and professional assistance, and to make a conditional appropriation.

Be It Enacted by the Legislature of Alabama:

Section 1. On the same day as on the next election on any proposed constitutional amendment following the adjournment of the current

session of the legislature, an election shall be held in the several counties of the state for the purpose of determining whether or not a convention shall be held to revise and amend the Constitution of this state. At that election the question of convention or no convention shall be submitted to a vote of the qualified electors of this state. If a majority of the voters voting at said election approve the holding of a convention for the purpose stated, said convention shall be held as hereinafter provided.

Section 2. Every qualified elector voting at the election provided by the first section of this act who approves of the holding of such convention shall declare the same by depositing his ballot at the voting place where he may be entitled to vote, marked with a cross mark before the words, "For Constitutional Convention" printed thereon; and every qualified voter of this state voting at said election who disapproves of the holding of such convention shall deposit his ballot, marked with a cross mark before the words, "Against Constitutional Convention" printed thereon.

Section 3. The form of the ballots used in said election shall be substantially as follows:

#### OFFICIAL BALLOT

Election on

#### CONSTITUTIONAL CONVENTION

Shall a Constitutional Convention be called to revise and amend the Constitution of the State?

/ FOR CONSTITUTIONAL CONVENTION

/ AGAINST CONSTITUTIONAL CONVENTION

Instruction: To vote, make a cross mark (x) in the square before and opposite the words expressing your choice.

Section 4. Except as herein otherwise provided, the general election laws shall in every respect apply to the election provided for in section one of this act, and the votes cast at such election shall be canvassed, tabulated, and returns made thereof to the secretary of state and be counted in the same manner as in elections for representatives in the legislature.

Section 5. The governor must give notice by proclamation, published in three daily papers in different parts of the state, of the result of the election provided for in section one of this act.

Section 6. At the time of the election prescribed by Section 1 of this act, two delegates to such convention shall be elected by the qualified electors of each of the legislative representative districts into which Alabama is divided pursuant to the order of the United States District Court for the Middle District of Alabama, Northern Division, in the case of *Sims et al v. Amos et al*, dated August 3, 1973, as amended by an order dated January 4, 1974, for the purpose of electing in 1974 members of the House of Representatives of the Alabama legislature. An official ballot shall be prepared for the election of delegates, which shall be separate and distinct from the ballot on which is printed the words "For Constitutional Convention" and "Against Constitutional Convention." Each candidate for delegate shall qualify to have his name placed upon the ballot in his respective district by submitting to the secretary of state not less than 30 days prior to the election a petition requesting his candidacy signed by not

less than 300 electors qualified to vote in the election in that district. Each petition must specify whether the candidate seeks to be elected to "delegate, place one" or "delegate, place two." The same person shall not be a candidate for both places. The names of all candidates from the several legislative districts and counties, so nominated, shall be printed on the ballots of their respective districts. The voter shall express his choice of candidates from the district in which he lives by making a cross mark before the name of one candidate for each delegate place from such district. The official ballot containing the names of all candidates shall be prepared as official ballots are prepared in general elections, and each of the places to be filled shall be designated by number. No ballot shall be counted for any candidate except for the place for which he has duly qualified. Should no candidate for a delegate place receive a majority of the votes cast for that place, then a second election between the two candidates receiving the largest and second largest number of votes for the undecided place shall be held on the third Tuesday next following the day of the first election.

Section 7. All delegates to said convention shall be citizens of the state and qualified electors, and residents of their respective districts. No person shall be disqualified from being a delegate on account of the fact that he holds an office of honor or profit under the state or federal government.

Section 8. All provisions of the law governing general elections shall apply to the election of delegates to the constitutional convention except as herein otherwise provided. The ballots shall be prepared and furnished and the votes cast at such election shall be canvassed, tabulated, and returns thereof made to the secretary of state and counted in the same manner as in elections for representatives to the legislature. The secretary of state shall, within ten days after receiving the returns of the election, furnish the elected delegates with certificates of election.

Section 9. Separate ballots shall be prepared and used for voting on the question of "Convention or No Convention" and for the election of delegates, and separate ballot boxes shall be provided, and separate returns made for each election. The same officers shall serve in both elections.

Section 10. If the holding of a constitutional convention be approved by a majority of those voting at such election, the delegates elected thereto shall convene in such hall in the city of Montgomery, Alabama, as is designated by the chief justice of the state supreme court on the third Tuesday in September, 1977, at twelve meridian of said day. The convention shall be called to order by the chief justice of the supreme court, or in his absence by the senior member in service of the supreme court present, who shall call the convention to order and preside until it is organized, and the convention shall proceed to organize by election of a president and such other officers (who need not be delegates) as said convention may deem necessary for the proper performance of the duties of the convention. The convention shall continue in session until it shall, by careful revision and amendment of the present constitution, frame and adopt a revised constitution for this state.

Section 11. In case any dispute occurs as to the right of any person to sit in said convention as a delegate thereto, the question shall be decided by said convention, which shall be the exclusive judge of the election, qualification and returns of its own members. Any person desiring to contest the election, may do so in the same manner as the election of a

member of the house of representatives of the legislature is contested, and by giving the same bond, and testimony shall be taken in the same method.

Section 12. The delegates to said convention shall be supplied with stationery and the use of the books, statutes, reports and documents the same as members of the legislature. The officers of said convention shall receive the same compensation, payable out of the treasury of the state, as corresponding officers of the house of representatives are by law allowed. The said delegates shall receive for their services the same per diem, expenses and mileage from the treasury of this state as is allowed to members of the legislature. These payments shall be made on the certificates of the president and secretary or clerk of the convention, to the state comptroller, as payment of the compensation, expenses and mileage to members of the legislature is by law directed to be made; provided, that per diem compensation shall not be allowed or paid to any member of the convention for a longer time than fifty days.

Section 13. Immediately upon the call of the convention to revise and amend the Constitution of Alabama, the Alabama Constitutional Commission, created by Act No. 753, H. 513, 1969 Regular Session, shall be reestablished with the same membership, powers and duties as it had on September 30, 1976. In addition, the commission shall be charged with the following new duties, viz: To act as a consulting and advisory unit to the constitutional convention; to submit, on the day the constitutional convention convenes, a proposed constitution to such convention; to submit, on the day the constitutional convention convenes, proposed rules of procedure for the convention; and to provide professional and staff assistance to the convention.

Section 14. Immediately, upon the call of the convention to revise and amend the Constitution of Alabama, the Constitutional Commission Fund in the state treasury created by Act No. 753, H. 513, 1969 Regular Session, is recreated.

Section 15. There is appropriated from the state general fund to the Constitutional Commission Fund in the state treasury for use by the Alabama Constitutional Commission in the performance of its lawful duties, the sum of \$50,000.00, conditional upon the approval by referendum of a convention to revise and amend the Constitution of Alabama pursuant to the provisions of this act.

Section 16. Before entering upon the discharge of his duties as a member of said convention under this act, each delegate shall, before a judge of the circuit or supreme court or court of appeals of this state, take the following oath: "I do solemnly swear that I will support the Constitution of the United States, and I will honestly and faithfully perform the duties which are now to devolve on me as a delegate of this convention, so help me God."

Section 17. It shall be the duty of said convention to cause to be filed with the secretary of state, within one week after its adjournment, certified by the president and secretary or clerk, a clear and correct copy of the Constitution which the convention may adopt. The convention shall cause a correct journal of its proceedings to be kept, and cause the same, certified by the president and secretary or clerk, to be filed on its adjournment with the secretary of state.

Section 18. Upon adoption of a constitution by the convention, within one week after the filing thereof with the secretary of state, the

governor shall issue a proclamation making known the fact that such constitution has been framed and ordering an election to be held in the several counties of the state for the purpose of submitting this constitution to the qualified voters of the state for ratification or rejection. The proclamation shall be published in the same manner required by Section 5 of this act. The election shall be held not less than 20 days nor more than 60 days after the governor's proclamation.

Unless otherwise provided herein the general law regulating elections shall in every respect apply to and govern the election required by this section. The ballots shall be prepared, the votes cast and such election shall be canvassed, tabulated and returns made thereof to the secretary of state and counted in the same manner prescribed by the general election laws.

Section 19. At the election provided by the preceding section, every qualified voter who is in favor of the ratification of the constitution so framed by the convention shall declare the same by depositing his ballot at the voting place where he may be entitled to vote, marked with a cross mark before the words "For Constitution," printed thereon; and every qualified voter of this state, voting at said election who is against the ratification of said constitution shall deposit his ballot, marked with a cross mark before the words "Against Constitution," printed thereon. Except as herein otherwise provided, the general election laws of this state shall in every respect apply to the election provided for in Section 15 of this act, and the votes cast at such election shall be canvassed, tabulated, and returns made thereof to the secretary of state and be counted in the same manner as in such elections.

The governor shall by proclamation, published in the same manner that notice of this election was published, declare the result of this election, and if it be found that the Constitution has been ratified by a majority of the qualified electors voting at said election, the governor in his proclamation shall name the date, not more than ten days from the date of such proclamation, on which the new constitution, so ratified, shall go into effect as the Constitution of the State of Alabama, and from and after that designated day such constitution shall be binding and obligatory as such upon all the people of this state.

Section 20. A copy of the proposed constitution shall be published by the governor in one of the following ways: The governor may cause the proposed constitution to be published at the same time and in the same manner that he publishes his proclamation setting the date for the submission of the proposed constitution for ratification or rejection by the qualified voters of this state, pursuant to Section 15 hereof, or he may cause such proposed constitution to be printed upon a separate sheet and circulated with the newspaper in which the proclamation required by Section 15 shall be published.

Mr. McDonald (S) moved that further consideration of the Bill, S. B. 182, and pending substitute, be postponed temporarily.

On motion of Mr. King, the motion to postpone was laid on the table.

## RESOLUTIONS

Mr. Teague offered the following Senate Joint Resolution, to-wit:

S. J. R. 324. COMMENDING THE STATE TELEPHONE

**OPERATORS FOR OUTSTANDING PERFORMANCE OF THEIR DUTIES.**

WHEREAS, efficiency, diligence, courtesy and helpfulness are the key to superior performance in providing service to others; and

WHEREAS, these admirable attributes are in evidence, abundantly and on a daily basis, to all those who have reason to seek assistance through our state's switchboard; and

WHEREAS, the state's telephone personnel, on numerous occasions, are called upon to handle an inordinate number of calls and inquiries, a task they consistently handle with efficiency and courtesy, and to the complete satisfaction of those seeking important, or even vital, information; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend and highly praise the state telephone operators for outstanding performance of their duties and direct that copies of this resolution be made available that they may know of our sincere appreciation.

On motion of Mr. Teague, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Teague then offered the following Senate Joint Resolution, to-wit:

**S. J. R. 325. COMMENDING THE ROTUNDA TELEPHONE TRIO.**

WHEREAS, the switchboard in the Capitol Rotunda is most capably handled by Mildred Auxford, Mildred Griffin and Ann Stephenson, who also take and deliver messages, make calls and instigate searches for elusive members of the Alabama Legislature; and

WHEREAS, these attractive and charming representatives of South Central Bell, each and every legislative day, perform their duties in a spirit of friendliness and helpfulness; they are devoted to their duties and dedicated to performing to perfection the many tasks they are assigned; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we unanimously commend these efficient young ladies for outstanding service to the Legislature and extend our sincere appreciation for the personable manner in which their duties are performed.

BE IT FURTHER RESOLVED, That copies of this resolution be presented to Mesdames Auxford, Griffin and Stephenson as a token of our deep appreciation.

On motion of Mr. Teague, the Rules were suspended and the Resolution was adopted by the Senate.

**FURTHER CONSIDERATION OF S. B. 182**

The Senate proceeded to further consideration of the Bill, S. B. 182. The question was on the substitute offered by Mr. King.

## MOTION TO ADJOURN LOST

At 3:50 P.M., Mr. Baker moved that the Senate adjourn until Tuesday, April 12, 1977, at 11 o'clock A.M.

Mr. Shelby offered a substitute motion that the Senate adjourn until Tuesday, April 12, 1977, at 2 o'clock P.M., which motion was lost.

Yeas 6; Nays 20.

*Yeas:*

Messrs. Clemon, Fine, Jones, McDonald (S), Shelby, Wilson.

—6

*Nays:*

Messrs. Baker, Edwards, Ellis, Higginbotham, King, Little, Littleton, McDonald (A), McMillan, Miller, Mims, Noonan, Owen, Peden, Perloff, Powell, Roberts, Stewart, Teague, Vacca.

—20

Mr. Peden offered a substitute motion that the Senate adjourn until Tuesday, April 12, 1977, at 8:30 A.M., which motion was lost.

Yeas 14; Nays 16.

*Yeas:*

Messrs. Baker, Clemon, Edwards, Ellis, Fine, Higginbotham, Jones, McDonald (S), Miller, Pearson, Peden, Powell, Shelby, Wilson.

—14

*Nays:*

Messrs. Adams, Gilmore, King, Little, Littleton, McDonald (A), McMillan, Mims, Noonan, Owen, Perloff, Roberts, Stewart, Teague, Vacca, Waldrop.

—16

Mr. Peden then offered a substitute motion that the Senate adjourn until Tuesday, April 12, 1977, at 9 o'clock A.M., which motion was lost.

Yeas 12; Nays 16.

*Yeas:*

Messrs. Baker, Edwards, Ellis, Fine, Higginbotham, Jones, Littleton, McDonald (S), Peden, Powell, Shelby, Wilson.

—12

*Nays:*

Messrs. Adams, Gilmore, King, Little, McDonald (A), McMillan, Miller, Mims, Noonan, Owen, Perloff, Roberts, Stewart, Teague, Vacca, Waldrop.

—16

The question was then on the original motion offered by Mr. Baker, which motion was lost.

## FURTHER CONSIDERATION OF S. B. 182

The Senate proceeded to further consideration of the Bill, S. B. 182. The question was on the substitute offered by Mr. King.

Mr. Baker moved that further consideration of the Bill, S. B. 182, and pending substitute, be postponed until the next Legislative Day.

Mr. McDonald (A) offered a substitute motion that further consideration of the Bill, S. B. 182, and pending substitute, be postponed temporarily, which motion was adopted.

## RESOLUTION

Messrs. Gilmore, Vacca, Pearson, McMillan, Clemon, Wilson, Ellis, Littleton, Owen and Fine offered the following Senate Joint Resolution, to-wit:

S. J. R. 326. COMMENDING JO STRONG FOR HER CONTRIBUTIONS TO THE STATE OF ALABAMA AND WISHING FOR HER A SPEEDY RECOVERY FOLLOWING RECENT SURGERY.

WHEREAS, Jo Strong of The Birmingham News has contributed in many ways to the betterment of Alabama through volunteer civic endeavors; and

WHEREAS, Mrs. Strong has particularly emphasized in her volunteer efforts improved and understanding of neighboring Latin America on the part of her fellow Alabama citizens; and

WHEREAS, her unusual humanitarian interests in the welfare of Guatemalan citizens following the devastating earthquake of February 4, 1976, resulted in significant assistance for the stricken nation; and

WHEREAS, her efforts were a major factor in bringing to realization a fine vocational rehabilitation center for Guatemala City where facilities and techniques are provided to make active and useful citizens of crippled victims of the earthquake as well as other handicapped people; and

WHEREAS, now, Mrs. Strong has undergone medical and surgical treatment to correct an illness; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we congratulate Mrs. Jo Strong for her outstanding contribution to disadvantaged and handicapped people of Guatemala, wish her a speedy recovery to full health so that her beneficial activities may be continued, and direct that a copy of this resolution be presented to her that she may know of our praise and our concern for her well-being.

On motion of Mr. Gilmore, the Rules were suspended and the Resolution was adopted by the Senate.

## BILLS ON THIRD READING RESUMED

The Bill:

S. 234. To exempt Bibles from sales and use taxes.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.



Yeas 13; Nays 9.

*Yeas:*

Messrs. Adams, Edwards, Ellis, Jones, Little, Littleton, McMillan, Miller, Mims, Noonan, Perloff, Shelby, Wilson.

—13

*Nays:*

Messrs. Baker, Clemon, Fine, McDonald (A), Pearson, Peden, Powell, Roberts, Stewart.

—9

The Bill:

S. 10. To provide for the salaries of the Chief Examiner of Public Accounts and the Assistant Chief Examiner of Public Accounts.

was taken up.

Mr. Littleton offered the following amendment to the Bill, S. B. 10, to-wit:

#### AMENDMENT TO S. B. 10

Amend Senate Bill No. 10 Page 1, Section 2 Lines 23-26, by striking out in its entirety and inserting in lieu thereof the following:

“Section Two. The salary of the assistant chief examiner shall be fixed by the Chief Examiner at an amount not to exceed one thousand dollars (\$1,000.00) less than the amount fixed by the Legislative Committee on Public Accounts as the salary for the Chief Examiner.”

Which was adopted.

Yeas 28; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Edwards, Fine, Gilmore, Higginbotham, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Miller, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Powell, Roberts, Shelby, Stewart, Vacca, Waldrop, Wilson.

—28

*Nays:*

—0

And said Bill, S. B. 10, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Edwards, Fine, Gilmore, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mitchell, Noonan, Pearson, Peden, Perloff, Powell, Shelby, Stewart, Vacca.

—22

*Nays:*

—0

The Bill:

S. 125. To prohibit the sale or use of an article with an altered or obliterated identification mark and to provide penalties therefor.

was taken up.

Mr. McDonald (S) offered the following amendment to the Bill, S. B. 125, to-wit:

#### AMENDMENT TO S. B. 125

Amend S. B. 125 by adding to the end of Section 2, page 2, line 14 the following sentence:

"The provisions of this act do not apply to electrical equipment which has been rebuilt by or for an electric utility subject to the jurisdiction of the Alabama Public Service Commission where the name plate, trademark or other identification mark of the original manufacturer has been removed and the nameplate, trademark or other identification mark of the person who rebuilt such equipment has been substituted therefor."

Which was adopted.

Yeas 20; Nays 3.

*Yeas:*

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Gilmore, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Miller, Noonan, Pearson, Peden, Perloff, Roberts, Vacca.

—20

*Nays:* Messrs. Powell, Shelby, Stewart.

—3

On motion of Mr. Edwards, further consideration of the Bill, S. B. 125, as amended, was postponed temporarily.

The Bill:

H. 380. To provide that opinion and reputation evidence and evidence of specific acts relating to the complaining witness' previous sexual conduct shall be inadmissible by the defendant in criminal sexual conduct cases, including: rape, sodomy, sexual misconduct, sexual abuse, criminal sexual conduct, or carnal knowledge; to make prohibition against admissibility inapplicable to complaining witness' sexual conduct with defendant; and to provide procedures by which a court may determine relevancy of evidence proposed to be admitted before such evidence is introduced.

was taken up.

Mr. McMillan offered the following substitute for the Bill, H. B. 380, to-wit:

#### SUBSTITUTE FOR H. B. 380

#### A BILL TO BE ENTITLED AN ACT

To provide that opinion and reputation evidence and evidence of specific acts relating to the complaining witness' previous sexual conduct

shall be inadmissible by the defendant in criminal sexual conduct cases, including: rape, sodomy, sexual misconduct, sexual abuse, criminal sexual conduct, or carnal knowledge and certain other disclosures; to make prohibition against admissibility inapplicable to complaining witness's sexual conduct with defendant; and to provide procedures by which a court may determine relevancy of evidence proposed to be admitted before such evidence is introduced.

Be It Enacted by the Legislature of Alabama:

Section 1. As used in this act, unless the context clearly indicates otherwise:

(a) "Complaining witness" means any person alleged to be the victim of the crime charged, the prosecution of which is subject to the provisions of this act.

(b) "Criminal sexual conduct" means sexual activity including, but not limited to rape, sodomy, sexual misconduct, sexual abuse, or carnal knowledge.

Section 2. (a) In any prosecution for criminal sexual conduct, or for assault with intent to commit, attempt to commit, or conspiracy to commit criminal sexual conduct, evidence relating to the past sexual history of the complaining witness, as defined in Section 1 of this act, shall not be admissible, either as direct evidence or on cross-examination of the complaining witness or of other witnesses, except as otherwise herein provided. For the purposes of this act past sexual behavior includes, but is not limited to evidence of the complaining witness's marital history, mode of dress, general reputation for promiscuity, nonchastity or sexual mores contrary to the community standards.

(b) In any prosecution for criminal sexual conduct, evidence relating to the past sexual behavior of the complaining witness shall be introduced if the court, following the procedure described in paragraph (c), finds that such past sexual behavior directly involved the participation of the accused.

(c) The procedure for introducing evidence as described in paragraph (b) shall be as follows:

(1) At the time the defense shall seek to introduce evidence which would be covered by subsection (b), the defense shall notify the court of such intent, whereupon the court shall conduct an in camera hearing to examine into the defendant's offer of proof. All in camera proceedings shall be included, in their entirety, in the transcript and record of the trial and case.

(2) At the conclusion of the hearing, if the court finds that any of the evidence introduced at the hearing is admissible under paragraph (b), the court shall by order state what evidence may be introduced by the defense at the trial of the case and in what manner the evidence may be introduced.

(3) The defense may then introduce evidence pursuant to the order of the court.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Ellis, Gilmore, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Miller, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop.

— 25

*Nays:*

— 0

And said Bill, H. B. 380, as thus amended by the substitute, was read a third time at length and passed.

Yeas 25; Nays 2.

*Yeas:*

Messrs. Adams, Baker, Edwards, Ellis, Fine, Gilmore, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop.

— 25

*Nays:* Messrs. Clemon, Pearson.

— 2

The Bill:

S. 634. To amend Act No. 1949, H. 894, Legislature of 1971 (Regular Session), approved September 20, 1971 (Acts of 1971, Vol. IV, p. 3151), an Act "to regulate the sale, offering for sale, distribution and transportation of pesticides by prescribing certain conditions and requirements therefor" etc., by amending Section 3 of said Act to make it unlawful for a person to use any pesticide in a manner inconsistent with its label.

was taken up.

Messrs. McDonald (A) and Mims offered the following substitute for the Bill, S. B. 634, to-wit:

#### SUBSTITUTE FOR S. B. 634

#### A BILL TO BE ENTITLED AN ACT

To amend Act No. 1949, H. 894, Legislature of 1971 (Regular Session), approved September 20, 1971 (Acts of 1971, Vol. IV, p. 3151), "an Act to regulate the sale, offering for sale, distribution and transportation of pesticides by prescribing certain conditions and requirements therefor" etc., by amending Sections 3, 6 and 9 of said Act to make it unlawful for a

person to use any pesticide in a manner inconsistent with its label, and to omit the provisions of Section 6(3) and Section 9(4) that certain users of pesticides are exempt from the requirements of this Act relating to pesticide use permits for use of a restricted use pesticide.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act No. 1949, H. 894, Legislature of 1971 (Regular Session), approved September 20, 1971 (Acts of 1971, Vol. IV, p. 3151) relating to prohibited or unlawful acts for the distribution, sale, offering for sale or keeping for sale, delivery or transportation of pesticides in intrastate commerce is hereby amended so as to read as follows:

“Section 3. Prohibited Acts.—(1) It shall be unlawful for any person to distribute, sell, offer for sale or keep for sale within the State or deliver for transportation or transport in intrastate commerce or between points within this State through any point outside this State any of the following:

(A) Any pesticide or device which has not been registered pursuant to the provisions of Section 4 of this Act, or any pesticide if any of the claims made for it or any of the directions for its use differ in substance from the representations made in connection with the registration, or if the composition of a pesticide differs from its composition as represented in connection with its registration. Provided, that, in the discretion of the Commissioner, a change in the labeling of a pesticide may be made within a registration period without requiring re-registration of the pesticide.

(B) Any pesticide or device unless it is in the registrant's or the manufacturer's unbroken immediate container, and there is affixed to such container, and to the outside container or wrapper of the retail package, if there be one, through which the required information on the immediate container cannot be clearly read, a label bearing: (a) the name and address of the manufacturer, registrant, or person for whom manufactured; (b) the name, brand, or trade mark under which said article is sold; (c) the net weight or measure of the content subject, however, to such reasonable variations as the Commissioner may permit; and (d) any other mandatory labeling requirements.

(c) Any pesticide which contains any substance or substances in quantities highly toxic to man, determined by the Commissioner as provided in Section 5(5) of this Act, unless the label shall bear, in addition to any other matter required by this Act:

(a) the skull and crossbones;

(b) the word “Poison” prominently, in red, on a background of distinctly contrasting color; and

(c) a statement of an antidote for the pesticide.

(D) The pesticide commonly known as standard lead arsenate, basic lead arsenate, calcium arsenate, magnesium arsenate, zinc arsenate, zinc arsenite, sodium fluoride, sodium fluosilicate; and barium fluosilicate unless they have been distinctly colored or discolored as provided by regulations issued in accordance with this Act, or any other white powder pesticide which the Commissioner, after investigation of and after public hearing on the necessity of such action for the protection of the public health and the feasibility of such coloration or discoloration, shall, by regulation, require to be distinctly colored or discolored; unless it has been so colored or discolored.

(E) Any pesticide which is adulterated, contaminated or misbranded, or any device which is misbranded.

(2) It shall be unlawful—

(A) For any person to detach, alter, deface, or destroy, in whole or in part, any label or labeling provided for in this Act or regulations promulgated hereunder, or to add any substance to, or take any substance from a pesticide in a manner that may defeat the purpose of this Act.

(B) For any person to use to his own advantage or to reveal, other than to the Commissioner or proper officials or employees of the State or to the courts of this State in response to a subpoena, or to physicians, or in emergencies to pharmacists and other qualified persons, for use in the preparation of antidotes, any information relative to formulas or products acquired by authority of Section 4 of this Act.

(C) To disseminate any false advertisement.

(D) To hold or offer for sale, sell or distribute to the user any restricted use pesticide or device without a license and unless the person to whom sale is made for use thereof, or his agent, to whom delivery is made holds a valid restricted pesticide use permit issued by the Commissioner.

(E) To purchase, use or possess a restricted use pesticide without a pesticide use permit.

(F) To purchase, use or dispose of a restricted use pesticide or its container in a manner other than that stated on the purchase or use permit or in the labeling or to use any pesticide in a manner inconsistent with its label or any other written, printed, or graphic matter accompanying the pesticide or device at any time; or to which reference is made on the label or in literature accompanying the pesticide or device, except to current official publications of the Environmental Protection Agency, the United States Department of Agriculture and Interior, the Department of Health, Education, and Welfare, State experiment stations, State agricultural colleges, and other similar Federal or State institutions or agencies authorized by law to conduct research in the field of pesticides.

(G) To hold or offer for sale, sell or distribute any pesticide where it has been determined that the use of the pesticide under Section 5(5) of this Act is dangerous or harmful to humans, animals or the general environment and registration thereof has been refused or cancelled.

(H) To offer for sale, sell, purchase or transport any pesticide in any quantity, bulk or otherwise, in any container which fails to meet the specifications determined and established by the Commissioner pursuant to regulations approved by the State Board of Agriculture and Industries. Such rules and regulations with respect to the movement or transportation of any pesticide shall be consistent with rules, regulations or other requirements of the Federal Department of Transportation, Interstate Commerce Commission or other federal agency or department."

Section 2. Section 6 of said Act No. 1949, H. 894, Legislature of 1971 (Regular Session), approved September 20, 1971, is hereby amended so as to read as follows:

"Section 6. Pesticide use Permits.—(1) Each person shall obtain a pesticide use permit from the Commissioner before such person is eligible to purchase and use a restricted use pesticide. Application forms for such

permits shall be furnished by the Commissioner and the permit shall be valid and effective for a period of three (3) years from its date of issuance time to be established by rules and regulations of the State Board of Agriculture and Industries unless sooner revoked by the Commissioner for cause as specified in rules and regulations promulgated by the Commissioner with approval of the State Board of Agriculture and Industries. The pesticide use permit shall include a list of the names and other information adequately identifying the restricted use pesticide or pesticides which the pesticide use permit holder is authorized to purchase and use.

(2) Before any person is authorized to purchase and use restricted use pesticides for application or use thereof, such person shall meet certain qualifications to be prescribed pursuant to rules and regulations of the Commissioner approved by the State Board of Agriculture and Industries. Such regulations shall be designed to satisfy the requirements of the Federal Insecticide, Fungicide and Rodenticide Act, as amended, and to determine whether the user or applicator of restricted use pesticides can use and apply such products in a manner that will not endanger or be injurious to human health and non-target animals, wildlife, vegetation, crops, and water or be detrimental to the general environment; and whether such user is familiar with methods of safe storage, handling, use, applications and disposal of such pesticides and pesticide containers so as to avoid hazardous effects that may result from any improper use, handling or application of such products.

(3) Licensed Pest Control Operators shall be exempt from the requirements of this Section except as provided by provisions of Section 9(4)."

Section 3. Section 9 of said Act No. 1949, H. 894, Legislature of 1971 (Regular Session), approved September 20, 1971, is hereby amended so as to read as follows:

"Section 9. Exemptions.—(1) The provisions and requirements of this Act shall not apply to:

(A) Any carrier while lawfully engaged in transporting a pesticide within this state, if such carrier shall, upon request, permit the Commissioner or his designated agent to copy all records showing the transactions in and movement of the articles; any bona fide public or private research institution or agency;

(B) The manufacturer or shipper of a pesticide for bona fide experimental use only; provided, the manufacturer or shipper obtains a permit from the Commissioner for such use which will be conducted under supervision of a qualified person and other conditions and requirements prescribed by rules and regulations adopted for this purpose which shall require the quantity of pesticides to be used, location of use, crops or other objects of use, results of findings and other information deemed to be necessary for protection of the public.

(2) No article shall be deemed in violation of this Act when intended solely for export to a foreign country, and when prepared or packaged according to the specifications or directions of the purchaser.

(3) Notwithstanding any other provision of this Act, registration and labeling is not required in the case of a pesticide stored or shipped from one manufacturing plant within this State to another manufacturing plant

within this State operated by the same person or from one manufacturer to another manufacturer, provided they are properly labeled whenever poison labels are required under Section 3(1)C of this Act.

(4) Nothing in this Act shall be construed to apply to any person who has been issued a valid permit under requirements of Chapter 7 of Title 2, Code of Alabama of 1940, as amended, to conduct work for eradication or control of insect pests and rodents, under said law, provided such pest control operators shall be subject to provisions of this Act when pesticides are applied in a manner which may contaminate plants, animals, products or commodities intended as food for human or domestic animals."

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Which was adopted.

Yeas 22; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Edwards, Ellis, Gilmore, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Miller, Mims, Noonan, Pearson, Peden, Powell, Shelby, Stewart, Teague, Vacca, Waldrop.

—22

*Nays:*

—0

And said Bill, S. B. 634, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 1.

*Yeas:*

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Gilmore, Jones, King, Little, McDonald (A), McDonald (S), Miller, Mims, Noonan, Powell, Roberts, Shelby, Stewart, Teague, Vacca.

—21

*Nay:* Mr. McMillan.

—1

The Bill:

S. 191. To provide that any conference or confidential communication between any priest, rabbi, or ordained minister and a member of his congregation or any person seeking spiritual or moral guidance shall be a privileged communication under the laws of this State.

was taken up.

Mr. McMillan offered the following amendment to the Bill, S. B. 191, to-wit:

#### AMENDMENT TO S. B. 191

In the Synopsis on line 13, after the word "guidance" insert the following:



or between interpreters and their communicants, whether such communications are made by means of written or spoken language or by signs

In the title on line 24, after the word "guidance" insert the following:

or between interpreters and their communicants, whether such communications are made by means of written or spoken language or by signs

In Section 1 on line 27 after the figure "1." insert the following:

(A)

In Section 1 on line 8 page 2 after the period begin a new paragraph as follows:

(B) No interpreters of any language, whether the communications with them be by sign language, spoken language or written language, shall be compelled to testify in any court in this state for or against any person as to any confidential communication which may have been made to him in his capacity as interpreter.

Which was adopted.

Yeas 23; Nays 1.

*Yeas:*

Messrs. Clemon, Edwards, Ellis, Fine, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Perloff, Powell, Shelby, Stewart, Teague, Vacca, Waldrop.

— 23

*Nay:* Mr. Baker.

— 1

Mr. Baker moved that further consideration of the Bill, S. B. 191, as thus amended, be postponed until the next Legislative Day.

Mr. Waldrop moved that the motion to postpone be laid on the table, which motion was lost.

Yeas 10; Nays 11.

*Yeas:*

Messrs. Adams, Jones, McDonald (A), McDonald (S), McMillan, Miller, Mitchell, Peden, Teague, Waldrop.

— 10

*Nays:*

Messrs. Baker, Edwards, Ellis, Little, Mims, Noonan, Pearson, Powell, Roberts, Shelby, Stewart.

— 11

The question recurred on the motion to postpone, which was adopted, and further consideration of the Bill, S. B. 191, as amended, was postponed until the next Legislative Day.

The Bill:

S. 614. To amend Sections 206, 207, 211 and 223, and all other sections of Chapter 7 of Title 22, Code of Alabama 1940, as amended, wherein the words or word "Alabama Dairy Commission" or the "Commission" appear, in order to provide for the abolishment of the Alabama Dairy Commission; to provide for the establishment and definition of the Milk Stabilization Council; to abolish wholesale and minimum retail milk price controls; to require the bidding of all milk sold for consumption in the public schools of Alabama; to continue in effect existing milk rules, regulations and orders of the predecessor Alabama Dairy Commission subject to review and action by the Milk Stabilization Council upon its appointment; and to provide for the repeal of all laws in conflict with this Act and establish the manner of the taking effect of this act.

was taken up.

The Standing Committee on Agriculture reported the following substitute for the Bill, S. B. 614, to-wit:

#### COMMITTEE SUBSTITUTE FOR S. B. 614

##### A BILL TO BE ENTITLED AN ACT

To amend Sections 206, 207, 211 and 223, and all other sections of Chapter 7 of Title 22, Code of Alabama 1940, as amended, wherein the words or word "Alabama Dairy Commission" or the "Commission" appear, in order to provide for the abolishment of the Alabama Dairy Commission; to provide for the establishment and definition of the Milk Stabilization Council; to abolish wholesale and minimum retail milk price controls; to permit the bidding of all milk sold for consumption in the public schools of Alabama; to continue in effect existing milk rules, regulations and orders of the predecessor Alabama Dairy Commission subject to review and action by the Milk Stabilization Council upon its appointment; and to provide for the repeal of all laws in conflict with this Act and establish the manner of the taking effect of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 206 of Title 22, Code of Alabama 1940, as amended, is hereby amended to define the term "Milk Stabilization Council" and to read as follows:

" 'Alabama Dairy Commission' Milk Stabilization Council means a state agency created by this chapter to no longer be known as Alabama State Milk Control Board Dairy Commission but henceforth to be known and designated as the 'Alabama Dairy Commission' 'Milk Stabilization Council', which said dairy commission council shall have all the powers and duties hereinafter set out. In every succeeding section of this chapter all references to the words or word 'Alabama Dairy Commission' or 'commission' shall be deemed to mean 'Milk Stabilization Council' or 'council'."

Section 2. Section 207 of Title 22, Code of Alabama 1940, as amended, is hereby amended to read as follows:

"§207. Alabama Dairy Commission Milk Stabilization Council—There shall be an Alabama Dairy Commission a Milk Stabilization Council to be known as 'The Alabama Dairy Commission' the 'Milk Stabilization Council, to consist of five (5) seven (7) members. The members shall hold office until their successors are appointed and qualified and shall have the powers and perform the duties provided for in this chapter. The compensation of the members of the commission council shall be the maximum allowed for any State agency but no less than fifty dollars (\$50.00) per day for each day actually engaged in official functions of the Alabama Dairy Commission Milk Stabilization Council not to exceed (60) days per annum, plus subsistence and necessary travel expenses at the rate allowed other State employees.

The members of the Alabama Dairy Commission, other than the Commission of Agriculture and Industries, Milk Stabilization Council shall be appointed by the Governor of Alabama as follows: four (4) by the Governor of Alabama; one (1) each by the Lieutenant Governor of Alabama, the Speaker of the House of Representatives of Alabama, and the Commissioner of Agriculture and Industries of Alabama; and shall be persons who are not engaged directly or indirectly, in the milk business. No two (2) members of the Alabama Dairy Commission, other than the Commissioner of Agriculture and Industries, shall reside in the same Congressional District of Alabama. There shall be one member appointed from each Congressional District of Alabama. All such members shall serve during good behavior and shall not be subject to removal from office or involuntary retirement from office during the duration of the term of office, unless the Governor shall determine that any member of the commission council shall have become incapacitated, by reason of physical or mental disability or illness, to the extent that he cannot efficiently perform the duties of his office. Any and all vacancies, whether arising from expiration of term, voluntary or involuntary retirement or death, shall be filled in the same manner as provided for each original representative appointment. The Commissioner of Agriculture and Industries shall be an ex-officio member of the commission, he may designate any member of the Department of Agriculture and Industries to represent him at its meeting. During the month of February, 1972, June, 1977, one member shall be appointed by the Commissioner of Agriculture and Industries and shall hold office for one (1) year beginning February, 1972 July 1, 1977. During February, 1972, June, 1977, one member shall be appointed by the Speaker of the House of Representatives and shall hold office for two (2) years beginning February, 1972 July 1, 1977. During February, 1972, June, 1977, one member shall be appointed by the Lieutenant Governor and shall hold office for three (3) years beginning February, 1972 July 1, 1977. During February, 1972 June, 1977, one member four members shall be appointed by the Governor and shall hold office for four (4) years beginning February, 1972 July 1, 1977. Thereafter, all appointments, except appointments to fill unexpired terms of office, shall be for four (4) years. The present Alabama State Milk Control Board Dairy Commission shall continue to function and serve until such time as the four (4) seven (7) new members of the Alabama Dairy Commission Milk Stabilization Council are appointed under the provisions of this Section."

Section 3. Section 211 of Title 22, Code of Alabama 1940, as amended, is hereby amended to read as follows:

"§211. Rules and orders.— Upon the appointment of the members of the Milk Stabilization Council the rules and orders adopted by the

predecessor Alabama Dairy Commission shall continue in full force and effect until such time as they may be modified or repealed by the Milk Stabilization Council. The commission council may adopt and enforce all rules and all orders necessary to carry out the provisions of this chapter. Every rule or order shall be posted for public inspection in the main office of the dairy commission council for thirty days, and a copy filed in the office of the commission council, excepting an order directed only to a person or persons named therein, which shall be served by personal delivery of a copy, or by mailing a copy in a sealed envelope with postage prepaid, properly addressed to each person to whom such order is directed, or, in the case of a corporation, to any officer or agent of the corporation upon which a summons may be served in accordance with the provisions of the statutes of Alabama. The posting in the main office of the dairy commission council of any rules and of any order not required to be served and such filing in the office of the commission council shall constitute due and sufficient notice to all persons affected by such rule or order. A rule when duly posted and filed, as provided in this chapter, shall have the force and effect of law. After February 1, 1972, all rules and orders of the commission council shall contain a written finding of facts."

Section 4. Section 223 of Title 22, Code of Alabama 1940, as amended, is hereby amended to read as follows:

"§223. Orders fixing maximum retail prices and handling charges for milk.—The Alabama Dairy Commission Milk Stabilization Council, in order to set maximum retail prices and handling charges shall investigate what are reasonable costs and charges for transporting, hauling, bottling, packaging, distributing, processing and marketing of milk at both retail and wholesale and other services performed in respect to milk and what prices are reasonable for milk marketed and sold in the several localities and markets of the state and what maximum retail prices and handling charges will, under the various conditions existing in different markets, localities and zones in the State, best protect the milk industry within the State and insure a sufficient quantity of pure and wholesome milk to the inhabitants of the State and be most in the public interest. For the purpose of setting maximum retail prices and handling charges The Alabama Dairy Commission the Milk Stabilization Council shall regularly conduct cost studies, and may employ independent accountants and accounting firms to examine, study, and reproduce any and all records of the distributors, producer-distributors, retailers or processors operating within the State, to determine what costs and charges are fair and reasonable for hauling, transporting, bottling, packaging, distributing, processing and marketing milk at wholesale and retail. The reasonable necessary cost of handling fluid milk or fluid cream, or both, which is incurred by stores, as such costs are determined by impartial cost surveys, or examination of the books and records, or both, of such portion of the stores in such marketing areas as are reasonably determined by the commission council to be sufficiently representative to indicate such costs of all stores in such marketing area. In determining such costs which are incurred by stores which handle commodities in addition to fluid milk or fluid cream, or both, the commission council shall determine the cost of doing business for each such representative store and for such purpose shall consider all costs and expenses of doing business, including depreciation on inventory and equipment. In the absence of satisfactory evidence to the contrary, the cost of handling such fluid milk or fluid cream, or both, shall be presumed to be the same percentage as the cost of doing business of such store in conducting its entire business. Before fixing prices for hauling, processing,

or transportation charges, the dairy commission council shall hold public hearings in the milk shed or milk sheds affected thereby, and hear evidence under oath relative to the prices to be fixed for the sale of milk in the milk shed where said prices are sought to be fixed, at which meeting the consuming public shall be entitled to offer evidence and to be heard, the same as persons engaged within the milk industry, but the dairy commission council in fixing prices, shall be entitled to consider matters within its own knowledge and matters within the knowledge of the various members of the commission council, as well as matters which it has ascertained from other milk sheds within the State and matters ascertained by it, affecting conditions as they relate to milk in other states. After conducting said public meetings and taking evidence, the dairy commission council may, at its discretion, take the evidence, and matters submitted to it under advisement and deliberate among itself in private and render a decision at a future date. Notice of all price fixing meetings shall be given to interested parties and to the consuming public by advertisement run in a newspaper having general circulation within the milk shed, which said notice shall be run at least once, not less than ten, not more than thirty days prior to the date set by the dairy commission authority for such hearing. Such publication shall be deemed sufficient and legal notice for all purposes required by this chapter to be published. After holding such meetings and making such other investigation as the dairy commission council may deem advisable, and preparing a written finding of fact, the dairy commission council may fix by official order reasonable costs and charges as described in this Section.

The dairy commission council is further empowered to fix the minimum or maximum prices price, or both, to be charged, for milk sold wholesale or at retail within each respective milk shed where such milk is sold for fluid consumption, regardless of where such milk may have been produced, when sold by producers, producer-distributors, distributors, bob-tailers, milk dealers or stores or any of them, to consumers, to stores, to hotels or restaurants, to other milk dealers or to anyone else who purchases milk. The minimum whole sale or maximum retail price or prices to be charged for milk in any of its forms, grades or uses shall not be fixed higher than is reasonably necessary to cover the cost of ordinarily efficient and economic production, cooling, pasteurizing, distributing, and marketing of such milk, which shall include, however, a reasonable return and profit upon labor and necessary investment.

The dairy commission council may, after a hearing as provided in this section to determine the justness and reasonableness thereof, also fix the amount of charges to be allowed for the handling, transportation, cooling, processing, storing, or distribution of milk or any one or more of such charges in any transaction: between milk dealers and other milk dealers, producers and milk dealers, cooling stations, or distributions; or between any two or more of them.

After the dairy commission council shall have fixed minimum or the maximum retail price and set handling charges prices or both for the sale, distribution, handling, processing, storing, transportation to be charged or paid for milk in any form, grade or use, included in the definition of milk, as used in this chapter, or as classified or provided for in this chapter, it shall be unlawful for any producer, producer-distributor, distributor, bob-tailer, milk dealer, store or their agents or employees, to sell or buy or to offer to sell or buy at retail milk at any price less or more (where the dairy commission has established a maximum price) than such price or prices as

shall be applicable to the particular transaction, or to charge or pay any price other than that set by the council for handling, transportation, cooling, processing or storing and no method or device shall be lawful whereby milk is bought or sold or offered to be bought or sold at a price less or more than such retail price or prices as shall be applicable to the particular transaction or at other than said price set for handling, transportation, cooling, processing, or storing, whether by a discount or rebate, or free service or advertising allowance or a combined price for such milk together with other commodity or commodities or service or services, which is less or more than the aggregate of the prices for the milk and the price or prices of such commodity or commodities or service or services when sold or offered for sale separately or otherwise. The combining with milk of a commodity handled by the licensee at a price for the commodity other than milk at less than the price which such licensee sells such commodity other than milk to anyone who does not purchase milk shall be deemed to be combining one or more commodity or commodities with milk, which is less than the aggregate price for the milk and other commodity combined.

The dairy commission council may, upon its own motion, or upon application from time to time, alter, revise, or amend an official order theretofore made with respect to price or handling charges, or both, to be charged or paid for milk. Before making, revising or amending any other fixing the price or handling charges, or both, to be charged or paid for milk, the dairy commission council shall hold a hearing on such matters in the same manner provided for herein for the original fixing of prices. All orders, rules and regulations of the dairy commission council may be reviewed by certiorari as hereinafter provided for."

Section 5. Section 223 of Title 22, Code of Alabama 1940, as amended, is hereby amended to read as follows by the addition of the following sections:

"(2) The Milk Stabilization Council shall not have authority to fix or regulate the price of handling, transporting, cooling, storing, or other charges for milk and other products distributed by dairy distributors (as defined in Code of Alabama 1940, Title 22, Section 206, as amended) bought for use in any state, county and municipal agency or facility, including but not limited to schools, prisons and mental institutions. Nor shall the Milk Stabilization Council have authority to fix or regulate the price at which such products can be resold at such agencies.

(3) All milk and other products distributed and bought for use or sale in all state, county and municipal agencies may be bought on a competitive bid basis in accordance with the competitive bid provisions of Act No. 217, S. 23, Special Session of 1967 (Acts 1967, p. 259, appearing at Title 55, Sec. 506, Code of Alabama 1940, Recomp. 1958).

(4) Nothing in this Act shall be construed to exempt the milk and other products distributed and bought for use in all state, county and municipal agencies from the health laws, rules and regulations governing the production, handling or testing of such products or the grading and standardizing thereof.

(5) All milk or other products distributed and sold to state, county or municipal agencies on a competitive bid basis must be provided by producer-licensees of the Milk Stabilization Council, unless such bid is more than six per cent (6%) above a responsible out-of-state bidder. In the

event an out-of-state bid is six per cent (6%) or more below a responsible bidder for products provided by Alabama producers, the awarding authority may accept the out-of-state bid."

Section 6. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. The provisions of this Act are supplemental. It shall be construed in *pari materia* with other laws regulating the milk industry in this State; however, those laws or parts of laws which are in direct conflict or inconsistent herewith are repealed.

Section 8. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Which was adopted.

Yeas 17; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Ellis, Gilmore, Little, McDonald (S), Mims, Mitchell, Owen, Pearson, Peden, Powell, Shelby, Stewart, Teague, Vacca.

— 17

*Nays:*

— 0

Mr. Baker offered the following amendment to the Bill, S. B. 614, as amended by the substitute, to-wit:

#### AMENDMENT TO S. B. 614, AS AMENDED

Amend Senate Bill No. 614 Page 2 Line 35, by inserting after the word "Alabama" the following:

"shall serve as the seventh member"

and on page 3 lines 20 and 21 by striking the words "During the month through the word "by" on line 21 and on line 21 changing the "t" in "the to a capital "T" and

On line 22 and 23 after the word "shall" by deleting the rest of that sentence and by substituting therefore the following:

"serve during the term of his office and shall be the chairman of the council."

Which was adopted.

Yeas 19; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Edwards, Jones, King, Little, Littleton, McDonald (A), McDonald (S), Mims, Mitchell, Owen, Pearson, Peden, Roberts, Stewart, Teague, Waldrop.

— 19

*Nays:*

— 0

And said Bill, S. B. 614, as thus amended was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 1.

Abstaining 1.

*Yeas:*

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Gilmore, King, Little, Littleton, McDonald (A), McDonald (S), Mims, Owen, Pearson, Peden, Powell, Roberts, Shelby, Stewart, Teague, Waldrop.

—22

*Nay:* Mr. Jones.

—1

*Abstaining:* Mr. Miller.

—1

The Bill:

S. 409. To amend further Section 94 of Title 51 of the Code of Alabama 1940, as amended, relating to the term of service and compensation of the members of the boards of equalization in the several counties, so as to change the year basis for determining the term of service and compensation of said members and to increase the compensation and further regulate the working period of members of certain boards of equalization.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 2.

*Yeas:*

Messrs. Adams, Clemon, Edwards, Ellis, Fine, Gilmore, Jones, King, Little, Littleton, McDonald (S), Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Powell, Roberts, Shelby, Stewart, Wilson.

—24

*Nays:* Messrs. Baker, McDonald (A).

—2

The Bill:

S. 295. To amend Section 2 of Act No. 474, H. 202, of the 1961 Regular Session of the Legislature of Alabama entitled "An Act providing for the relocation of utility facilities when necessitated by Federal-aid highway system projects; providing for the payment of the costs of such relocations by the State as highway construction costs upon Federal participation and Federal funds being actually collected by the State; prescribing the authority of the State Highway Director in regard thereto; providing for the method of paying or reimbursing said utilities; and repealing all conflicting laws."

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 27; Nays 0.



*Yeas:*

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Jones, King, Little, Littleton, McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Vacca, Waldrop.

—27

*Nays:*

—0

#### FURTHER CONSIDERATION OF S. B. 125

The Senate proceeded to further consideration of the Bill, S. B. 125, as amended.

Mr. Edwards offered the following amendment to the Bill, S. B. 125, as amended, to-wit:

#### AMENDMENT TO S. B. 125, AS AMENDED

Amend Senate Bill No. 125 Page 1 Line 34, by striking out “;” after the word “knowingly”;

and by inserting on line 35 after the word “or” the following:

“knowingly”;

and by inserting on line 36 after the word “a” the following:

“stolen”

Which was adopted.

Yeas 21; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Jones, Little, Littleton, McDonald (S), McMillan, Miller, Mims, Owen, Pearson, Peden, Shelby, Stewart, Teague, Vacca, Waldrop.

—21

*Nays:*

—0

Mr. Edwards then offered the following amendment to the Bill, S. B. 125, as amended, to-wit:

#### AMENDMENT TO S. B. 125, AS AMENDED

Amend Senate Bill No. 125 Page 2 Line 22, by striking out “five” after the words “not less than”

and substituting in lieu thereof the following:

“two”

Which was adopted.

Yeas 26; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Edwards, Fine, Little, Littleton, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Powell, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop.

—26

*Nays:*

—0

And said Bill, S. B. 125, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Pearson, Peden, Powell, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop.

—25

*Nays:*

—0

The Bill:

S. 2. To provide that all liquified petroleum gas which is purchased from gas fields in Alabama shall be either metered or weighed and an invoice showing the amount of gas purchased shall be given to the purchaser or his agent and prescribes penalties for the violation of the provisions of the act.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 27; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Powell, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop.

—27

*Nays:*

—0

The Bill:

S. 394. Relating to the appointment of a curator of the property of persons residing in this state who shall become physically incapacitated, feeble-minded or epileptic, or so mentally or physically defective by reason of age, sickness, the use of drugs, excessive use of alcohol or other causes, and authorizing such curator to take charge of, manage and conserve the property of such person and relating to the effect of the appointment of a curator as to any such person.

was taken up.

Mr. Pearson offered the following amendment to the Bill, S. B. 394, to-wit:

AMENDMENT TO S. B. 394

Amend Senate Bill No. 394 by inserting after the word "circuit" the words "or probate" wherever the same appears throughout the Bill.

Which was adopted.

Yeas 24; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, King, Little, Littleton, McDonald (A), McMillan, Miller, Mims, Noonan, Owen, Pearson, Peden, Perloff, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop.

—24

*Nays:*

—0

And said Bill, S. B. 394, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Jones, King, Little, McMillan, Miller, Mims, Mitchell, Owen, Pearson, Peden, Perloff, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop.

—23

*Nays:*

—0

The Bill:

S. 576. Relating to state highway department construction and maintenance projects within the corporate limits of municipalities in this state; to prescribe procedure whereby federal matching funds may be made available for such projects and to regulate the allocation of such funds.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 0.

Abstaining 1.

*Yeas:*

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop.

—24

*Nays:*

—0

*Abstaining:* Mr. Miller.

—1

The Bill:

S. 288. To amend Section 119 of Title 61, Code of Alabama 1940, which provides that no suit may be commenced against an administrator or executor until six months after the grant of letters testamentary or letters of administration so as to provide certain exceptions.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Jones, King, Little, Littleton, McDonald (A), McMillan, Miller, Mims, Noonan, Owen, Pearson, Peden, Perloff, Shelby, Stewart, Teague, Vacca, Waldrop.

—24

*Nays:*

—0

The Bill:

S. 348. To amend Sections 1 through 5 of Act No. 110, H. 100 of the First Special Session of 1965 (Acts 1965, Vol. I, p. 159), which act provides for the establishment, maintenance and operation of a trade school for the prison system, so as to transfer its operation and the land, personal property and buildings to the state board of education.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

*Yeas:*

Messrs. Baker, Clemon, Ellis, Fine, Jones, King, Little, Littleton, McDonald (A), McMillan, Miller, Mims, Noonan, Owen, Pearson, Peden, Perloff, Powell, Shelby, Stewart, Teague, Vacca, Waldrop.

—23

*Nays:*

—0

The Bill:

S. 15. Prohibiting any state agency from using the barter or similar system for acquiring goods or services; providing that each state agency must record each sales transaction and each purchase transaction; providing that each state agency return to the appropriate fund in the state treasury all revenues generated by sales transactions; and prescribing penalties for violations of the provisions of this act.

was taken up.

Mr. Vacca offered the following amendment to the Bill, S. B. 15, to-wit:

AMENDMENT TO SENATE BILL 15

Amend Senate Bill 15 by striking Section 3. in its entirety and adding in lieu thereof the following:

"Section 3. Each state agency, excluding city and county boards of education and institutions of higher learning, shall return to the state treasury for deposit in the appropriate fund all revenues generated by any sales transaction."

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Jones, King, Little, Littleton, McDonald (A), McMillan, Miller, Mims, Noonan, Owen, Pearson, Peden, Powell, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop.

—25

*Nays:*

—0

And said Bill, S. B. 15, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Jones, King, Little, Littleton, McDonald (A), McMillan, Miller, Mims, Noonan, Owen, Pearson, Peden, Powell, Shelby, Stewart, Teague, Vacca, Waldrop.

—24

*Nays:*

—0

The Bill:

S. 423. To make appropriations to the Alabama Forestry Commission for construction of an automotive maintenance and repair shop, mechanics salaries, and equipment and parts for such shop.

was taken up.

On motion of Mr. Baker, further consideration of the Bill, S. B. 423, was postponed until the next Legislative Day.

The Bill:

S. 497. To make further appropriations to the Auburn University Cooperative Extension Service from the Alabama Special Educational Trust Fund for the Fiscal Year ending September 30, 1977.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 1.

*Yeas:*

Messrs. Adams, Clemon, Fine, Gilmore, Jones, King, Little, Littleton, McDonald (A), McMillan, Miller, Mims, Noonan, Owen, Pearson, Peden, Perloff, Powell, Roberts, Shelby, Teague, Vacca, Waldrop.

—23

*Nay:* Mr. Edwards.

—1

The Bill:

S. 533. To provide that Alabama enter into the Interstate Agreement on Detainers Act, with other member-states, which promotes cooperation between the several states to secure a speedy trial of persons already incarcerated in other jurisdictions by the expeditious and orderly disposition of all detainers based on untried indictments, information or complaints; and to further provide for the uniform mandatory disposition of detainers so as to prescribe the manner and procedures for release of detainers available to incarcerated persons against whom there is pending untried indictments, information or complaints.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 0.

Yeas:

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Jones, Little, McDonald (A), McMillan, Miller, Mims, Noonan, Owen, Pearson, Peden, Perloff, Powell, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop.

—24

Nays:

—0

The Bill:

S. 336. To provide that persons convicted three times for certain violent criminal acts shall be imprisoned for natural life without benefit of parole, probation, suspension of sentence, or credit for good behavior; and to provide that the provisions of this act shall apply exclusively where the offense is also punishable under other provisions of law.

was taken up.

The Standing Committee on Rules reported the following substitute for the Bill, S. B. 336, to-wit:

COMMITTEE SUBSTITUTE FOR S. B. 336

A BILL  
TO BE ENTITLED  
AN ACT

To provide that persons convicted three times for certain violent criminal acts shall be imprisoned for natural life without benefit of parole, probation, suspension of sentence, or credit for good behavior; and to provide that the provisions of this act shall apply exclusively where the offense is also punishable under other provisions of law.

Be It Enacted by the Legislature of Alabama:

Section 1. Any person who after previously having been twice convicted of having committed any one or more of the following criminal acts, is convicted a third time of having committed one or more of the following criminal acts shall be imprisoned at hard labor for his natural life without the possibility of parole, probation, or suspension of sentence and without benefit of reduction of sentence for good behavior, any law to the contrary notwithstanding:

- (a) Murder in the first or second degree;
- (b) Rape;
- (c) Arson in the first degree;
- (d) Kidnapping or abduction with intent to murder or rape;
- (e) Burglary in the first degree;
- (f) Armed robbery.

Section 2. The penalties prescribed in this act shall be imposed to the exclusion of other existing statutory penalties where both statutes could be applied.

Section 3. For the purposes of this act, it shall be immaterial whether either or both of the prior convictions for the act or acts enumerated in Section 1 hereof occurred under the laws of this state, or of any other state of the United States, or of any foreign country.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

On motion of Mr. Shelby, said substitute was laid on the table.

Mr. Shelby then offered the following substitute for the Bill, S. B. 336, to-wit:

#### SUBSTITUTE FOR S. B. 336

#### A BILL TO BE ENTITLED AN ACT

To provide that persons convicted three times for certain violent criminal acts shall be imprisoned for natural life without benefit of parole, probation, suspension of sentence, or credit for good behavior; to provide that the provisions of this act shall apply exclusively where the third such offense is also punishable under other provisions of law; and providing a procedure whereby such offenders shall be sentenced.

Be It Enacted by the Legislature of Alabama:

Section 1. Any person who, after previously having been twice convicted by any state or federal court of the United States or any territorial possession thereof, of having committed any one or more of the following criminal acts, is convicted a third time of having committed any one of the following criminal acts shall be imprisoned at hard labor for his natural life without the possibility of parole, probation, or suspension of sentence and without benefit of reduction of sentence for good behavior, any law to the contrary notwithstanding:

- (a) Murder in the first or second degree;

- (b) Rape;
- (c) Arson in the first degree;
- (d) Kidnapping or abduction with intent to murder or rape;
- (e) Burglary in the first degree;
- (f) Armed robbery;

Section 2. The life-imprisonment penalty herein prescribed for said three-time offenders shall be imposed, when applicable and as hereinafter provided, to the exclusion of other conflicting statutory penalties for such offenses.

Section 3. The following procedure shall be used for the imposition of the punishment provided in Section 1 hereof:

(a) Whenever an attorney charged with the prosecution of a defendant in any court of this state for an alleged offense enumerated in Section 1 hereof committed when the defendant was over the age of twenty-one years has knowledge that the defendant previously has been convicted twice as provided in Section 1 hereof, such attorney, a reasonable time before the trial or acceptance by the court of a plea of guilty or nolo contendere, may sign and file with the court, and may amend, a notice (1) specifying that the defendant has been twice convicted and who, upon conviction for the present alleged felony is subject to the imposition of the life imprisonment sentence under Section (1) hereof and (2) attached thereto, such attorney shall furnish certified copies of proof of prior convictions of the offenses enumerated herein. In no case shall the fact that the defendant is alleged to be a three-time offender be an issue upon the trial of such felony, be disclosed to the jury, or be disclosed before any plea of guilty or nolo contendere or verdict or finding of guilty to the presiding judge. If it appears by a preponderance of the information submitted during the sentencing hearing and so much of the presentence report as the court relies upon, that the defendant has, in fact, been previously twice convicted of any of the named offenses, then the court shall sentence the defendant to imprisonment for life, as herein provided, otherwise it shall sentence the defendant in accordance with the law prescribing penalties for such felony. The court shall place in the record its findings, including an identification of the information relied upon in making such findings, and its reasons for the sentence imposed.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 23; Nays 0.

Yeas:

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, King, Little,



McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Roberts, Shelby, Stewart, Vacca, Waldrop.

—23

*Nays:*

—0

Messrs. Clemon and Pearson offered the following amendment to the Bill, S. B. 336, as thus amended by the substitute, to-wit:

AMENDMENT TO S. B. 336, AS AMENDED

Amend Senate Bill No. 336, as substituted Page 1 Line 30, by inserting the following phrase after the word "acts":

"based on separate and distinct criminal transactions"

and renumbering the subsequent lines

Which was adopted.

Yeas 22; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Little, McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Roberts, Shelby, Stewart, Teague, Vacca.

—22

*Nays:*

—0

Messrs. Pearson and Clemon then offered the following amendment to the Bill, S. B. 336, as amended, to-wit:

AMENDMENT TO S. B. 336, AS AMENDED

Amend Senate Bill No. 336 as substituted by adding the following section "No provision of this bill shall be retroactive".

Which was adopted.

Yeas 18; Nays 1.

*Yeas:*

Messrs. Adams, Baker, Clemon, Little, McDonald (S), McMillan, Miller, Mims, Noonan, Owen, Pearson, Peden, Perloff, Powell, Roberts, Shelby, Stewart, Vacca.

—18

*Nay:* Mr. Edwards.

—1

Messrs. Pearson and Clemon then offered the following amendment to the Bill, S. B. 336, as amended, to-wit:

AMENDMENT TO S. B. 336, AS AMENDED

Amend Senate Bill No. 336, as substituted Page 3 Lines 16-24, by inserting new Section 4 as follows

"Section 4. None of the provisions of this act shall apply unless the criminal acts giving rise to the three convictions shall have each occurred within a period of twenty consecutive years."

and renumbering Section 4 as Section 5, Section 5 as Section 6 and Section 6 as Section 7.

Which was adopted.

Yeas 23; Nays 1.

*Yeas:*

Messrs. Adams, Baker, Clemon, Ellis, Fine, Little, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Powell, Roberts, Shelby, Stewart, Teague, Vacca.

—23

*Nay:* Mr. Edwards.

—1

And said Bill, S. B. 336, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 2.

*Yeas:*

Messrs. Adams, Baker, Edwards, Ellis, Fine, Jones, Little, McDonald (A), McMillan, Miller, Mims, Noonan, Owen, Peden, Perloff, Powell, Roberts, Shelby, Stewart, Teague, Waldrop.

—21

*Nays:* Messrs. Clemon, Pearson.

—2

#### FURTHER CONSIDERATION OF S. B. 182

The Senate proceeded to further consideration of the Bill, S. B. 182. The question was on the substitute offered by Mr. King.

And said substitute was then adopted by the Senate.

Yeas 20; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Edwards, Ellis, King, Little, McDonald (A), McDonald (S), McMillan, Miller, Mims, Noonan, Owen, Pearson, Peden, Powell, Roberts, Shelby, Teague.

—20

*Nays:*

—0

Mr. McDonald (S) offered the following amendment to the Bill, S. B. 182, as amended by the substitute, to-wit:

#### SENATE AMENDMENT TO S. B. 182, AS AMENDED

Amend, on page 4, line 36, by striking out the words "third Tuesday in September, 1977" and inserting in lieu thereof the following words: second Tuesday in November, 1978

Also, on page 5, line 6, by striking out the words "Chief Justice of the Supreme Court or in his absence by the senior member in service of the Supreme Court present" and inserting in lieu thereof the following language:

Chairman of the Alabama Constitutional Commission created by Act No. 753, 1969 Regular Session

Also, on page 5, lines 8 and 9, by striking out the words "until it is organized" and inserting in lieu thereof the following words:

While it is in session if he shall agree to serve as president. If he should not so agree, then the Chief Justice of the Supreme Court shall call the convention to order and shall preside until a president is elected by the delegates from among themselves.

Also, on page 5, line 10, by striking out the words "a president and"

Which was adopted.

Yeas 20; Nays 0.

*Yeas:*

Messrs. Adams, Clemon, Edwards, Fine, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Pearson, Peden, Perloff, Roberts, Shelby, Teague, Vacca, Waldrop.

—20

*Nays:*

—0

Mr. Edwards moved that the Senate reconsider the vote by which the amendment to the Bill, S. B. 182, as amended, was adopted.

On motion of Mr. McDonald (S), the motion to reconsider was laid on the table.

Mr. McDonald (S) then offered the following amendment to the Bill, S. B. 182, as amended, to-wit:

#### AMENDMENT TO S. B. 182, AS AMENDED

Amend S. 182 as follows:

On page 2, lines 35 and 36, by striking out the words "at the time of the election prescribed by Section 1 of this Act" and inserting in lieu thereof the following words:

At an election held for such purpose on the same day on which the primary elections held at the expense of the state are held in 1978.

Which was adopted.

Yeas 19; Nays 1.

*Yeas:*

Messrs. Adams, Baker, Clemon, Gilmore, King, Little, McMillan, Mims, Noonan, Owen, Pearson, Peden, Perloff, Powell, Roberts, Shelby, Stewart, Teague, Vacca.

—19

*Nay:* Mr. Edwards.

—1

Mr. McDonald (S) then offered the following amendment to the Bill, S. B. 182, as amended, to-wit:

AMENDMENT TO S. B. 182, AS AMENDED

Amend S. B. 182 as follows:

On pages 2 and 3, by striking out Section 6 entirely and inserting in lieu thereof the following new section:

Section 6. If the convention is approved by referendum hereinabove provided for, delegates thereto shall be elected or appointed as follows:

(a) One delegate from each Alabama House of Representatives district shall be elected at an election held for that purpose on the same day as primary elections held at the expense of the state in 1978. An official ballot shall be prepared for the election of these delegates, which shall be separate and distinct from other ballots used at the primary election. Each candidate for delegate shall qualify to have his name placed upon the ballot in his respective district by submitting to the secretary of state not less than 30 days prior to the election a petition requesting his candidacy signed by not less than 300 electors qualified to vote in the election in that district. The names of all delegates from the several legislative districts so nominated, shall be printed on the ballots of their respective districts. Should no candidate for delegate from a district receive a majority of the votes cast for such office, a second election shall be held on the 3rd Tuesday next following the first election, and the two candidates receiving the greatest number of votes at the first election shall be the only candidates in the second election.

(b) The Alabama Supreme Court shall appoint as delegates nine qualified persons who do not hold public office.

(c) The Governor shall appoint as delegates ten qualified persons who do not hold public office.

(d) Each member of the Alabama Constitutional Commission established by Act No. 753, 1969 Regular Session shall be voting ex officio delegates to the convention."

Also, on page 4, lines 12 through 15 by striking out the words "no person shall be disqualified from being a delegate on account of the fact that he holds an office of profit or honor under the state or federal government."

Also, on page 6 lines 9 through 21, by striking out Section 13 entirely and renumbering subsequent sections accordingly.

On motion of Mr. King, said amendment was laid on the table.

Yeas 19; Nays 5.

*Yeas:*

Messrs. Adams, Clemon, Fine, King, Little, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Powell, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop.

— 19

*Nays:*

Messrs. Baker, Edwards, Ellis, McDonald (S), Perloff.

— 5

Mr. McDonald (S) then offered the following amendment to the Bill, S. B. 182, as amended, to-wit:

SENATE AMENDMENT TO S. B. 182, AS AMENDED

Amend S. B. 182 as follows:

On pages 2 and 3, by striking out Section 6 entirely and inserting in lieu thereof the following new section:

Section 6. If the convention is approved by referendum hereinabove provided for, delegates thereto shall be elected or appointed as follows:

(a) One delegate from each Alabama House of Representatives district shall be elected at an election held for that purpose on the same day as primary elections held at the expense of the state in 1978. An official ballot shall be prepared for the election of these delegates, which shall be separate and distinct from other ballots used at the primary election. Each candidate for delegate shall qualify to have his name placed upon the ballot in his respective district by submitting to the secretary of state not less than 30 days prior to the election a petition requesting his candidacy signed by not less than 300 electors qualified to vote in the election in that district. The names of all delegates from the several legislative districts so nominated, shall be printed on the ballots of their respective districts. Should no candidate for delegate from a district receive a majority of the votes cast for such office, a second election shall be held on the 3rd Tuesday next following the first election, and the two candidates receiving the greatest number of votes at the first election shall be the only candidates in the second election.

(b) Each member of the Alabama Constitutional Commission established by Act No. 753, 1969 Regular Session shall be voting ex officio delegates to the convention."

Also, on page 4, lines 12 through 15 by striking out the words "no person shall be disqualified from being a delegate on account of the fact that he holds an office of profit or honor under the state or federal government."

Also, on page 6 lines 9 through 21, by striking out Section 13 entirely and renumbering subsequent sections accordingly.

On motion of Mr. King, said amendment was laid on the table.

And said Bill, S. B. 182, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 1.

Yeas:

Messrs. Adams, Baker, Clemon, Edwards, Fine, Gilmore, King, Little, McDonald (S), McMillan, Mims, Noonan, Owen, Pearson, Peden, Powell, Roberts, Shelby, Stewart, Vacca, Waldrop.

— 21

Nay: Mr. Ellis.

— 1

## BILLS ON THIRD READING RESUMED

## The Bill:

S. 541. To create a state school bus maintenance and repair facility to be operated by the State Board of Corrections; to further create a permanent governing committee which shall direct the establishment and operation of such facility; and to make appropriations from the general fund in the State Treasury to said board to be used for such facility.

was taken up.

Mr. McMillan offered the following amendment to the Bill, S. B. 541, to-wit:

## AMENDMENT TO S. B. 541

In the Synopsis on line 13 after the word "committee" insert the following:

subject to Act No. 286, H. 42 of the Regular Session of 1976 (Acts 1976, p. 319) known as the "Prison-Made Goods Act of Alabama;"

In the title, on line 23 after the word "Corrections" insert the following:

subject to Act No. 286, H. 42 of the Regular Session of 1976 (Acts 1976, p. 319) known as the "Prison-Made Goods Act of Alabama;"

Also, in Section 1, line 32 strike the period and add the following:

and subject to Act No. 286, H. 42 of the Regular Session of 1976 (Acts 1976, p. 319) known as the "Prison-Made Goods Act of Alabama."

Which was adopted.

Yeas 18; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Little, McMillan, Mims, Owen, Pearson, Peden, Powell, Shelby, Stewart, Teague, Vacca, Waldrop.

— 18

*Nays:*

— 0

And said Bill, S. B. 541, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Little, McMillan, Owen, Pearson, Peden, Powell, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop.

— 18

*Nays:*

— 0

The Bill:

S. 216. To amend Section 2 of Act 281, H. 295, Special Session, 1966 (Title 52, Section 622(5) ), which is the Alabama Educational Benefits for Dependents of Blind Parents Act, so as to increase the amount of family income allowed in a family where the head of the household is blind for dependents to be eligible for educational benefits at institutions of higher learning.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Messrs. Adams, Clemon, Ellis, Fine, Gilmore, Little, McMillan, Noonan, Owen, Pearson, Peden, Powell, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop.

—18

Nays:

—0

The Bill:

S. 260. To amend further Section 93 of Title 26, Code of Alabama 1940, as amended, which relates to medical, surgical, and hospital service, and vocational rehabilitation under workmen's compensation so as to provide that injured employees shall have their choice of physicians for treatment and the employer shall be fully liable for such treatment.

was taken up.

The Standing Committee on Business and Labor Relations reported the following amendment to the Bill, S. B. 260, to-wit:

#### COMMITTEE AMENDMENT TO S. B. 260

Amend S. B. 260, Section 293, Subsection 1, Page 2, Line 21 by striking the amendment beginning with the word "provided" and inserting in lieu thereof the following amendment "provided, however, the injured employee, after initial examination by a physician designated by the employer shall be entitled to choose the physician who shall render further necessary treatment."

On motion of Mr. Edwards, said amendment was laid on the table.

Mr. Edwards offered the following amendment to the Bill, S. B. 260, to-wit:

#### AMENDMENT TO S. B. 260

Amend Senate Bill No. 260 Page 2 Line 21, by striking out the amendment beginning with the word "Provided" and inserting in lieu thereof the following amendment:

"Provided, however, that if after the initial examination by a physician designated by the employer, the employee is dissatisfied with the initial treating physician selected by the employer and if further treatment is required, the employee may so advise the employer and in such event the employee shall be entitled to choose a second physician; if the employee is

dissatisfied with the second physician the employee may so advise the employer and if further treatment is required the employee shall be entitled to choose a third physician."

Which was adopted.

Yeas 16; Nays 0.

*Yeas:*

Messrs. Adams, Clemon, Edwards, Fine, Gilmore, Little, McMillan, Owen, Pearson, Peden, Powell, Shelby, Stewart, Teague, Vacca, Waldrop.

— 16

*Nays:*

— 0

And said Bill, S. B. 260, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 1.

*Yeas:*

Messrs. Adams, Clemon, Edwards, Ellis, Fine, Gilmore, Little, McMillan, Owen, Pearson, Peden, Powell, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop.

— 18

*Nay:* Mr. Noonan.

— 1

Mr. Waldrop moved that the Senate reconsider the vote by which the Bill, S. B. 260, as amended, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

The Bill:

S. 323. To amend Section 131 of Title 29, Code of Alabama 1940, which section deems it unlawful to sell, give away or possess apparatus to be used for manufacturing any prohibited liquors or beverages so as to exempt from such provisions certain purchases of wine making kits.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 13; Nays 3.

*Yeas:*

Messrs. Adams, Clemon, Ellis, Little, McMillan, Owen, Pearson, Peden, Powell, Roberts, Stewart, Teague, Vacca.

— 13

*Nays:* Messrs. Baker, Edwards, Fine.

— 3

#### ADJOURNMENT

At 7:40 P.M., on motion of Mr. Owen, pending further consideration of S. B.'s 542 and 148, the Senate adjourned until Tuesday, April 12, 1977, at 9:05 A.M.



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NINETEENTH LEGISLATIVE DAY

TUESDAY, APRIL 12, 1977

The Senate met pursuant to adjournment, President Pro Tempore Fine presiding.

## PRAYER

The Session was opened with prayer by the Reverend Neil Gilmore, Minister, First Presbyterian Church, Montgomery, Alabama.

## ROLL CALL

Present:

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—33

## JOURNAL

On motion of Mr. Pearson, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Eighteenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

OBIE J. LITTLETON,  
Acting Chairman.

## COMMITTEE REPORT

On motion of Mr. Littleton, the foregoing report was concurred in and the Journal of the Senate for the Eighteenth Legislative Day was approved by the Senate.

## LEAVE OF ABSENCE

On motion of Mr. Pearson, leave of absence was granted Messrs. Bank and Roberts for today.

REPORT OF  
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill

with the original Senate Bill, respectively, and finds same correctly engrossed, to-wit:

S. 62. To authorize and provide for the issuance of revenue bonds for the purpose of providing for the construction, reconstruction, improvement, alteration, enlargement and equipment of public office building facilities and of annexes, additions and enlargements of such buildings and for the acquisition of sites therefor; to authorize and provide for the establishment of a public corporation, to be known as the Alabama Capitol Building Authority, to issue such bonds; to provide that a part of the proceeds of such bonds shall be used by the authority established hereunder for the purpose of providing maintaining such public office building or buildings for the legislative branch of the government of the State of Alabama, that a part of such proceeds shall be used by the Alabama Building Authority for the purpose of constructing, altering and improving the public office building facilities heretofore constructed by such authority or for constructing and equipping of annexes, additions or enlargements of such building, and the remainder of the proceeds of such bonds shall be used by the Alabama Building Finance Authority for the purpose of constructing, altering and improving public office building facilities heretofore constructed by such authority or for constructing and equipping of annexes or additions to such buildings; to authorize the issuance of refunding bonds; to provide for the investment of the proceeds from the sale of such bonds; to provide that all properties procured, constructed or improved or enlarged with the proceeds of any bonds hereby authorized and the income therefrom and all bonds issued pursuant to this act and the income therefrom and all leases made and all lien notices filed relative to buildings or additions constructed, altered, improved or equipped pursuant to this act, shall be exempt from all taxation in the State of Alabama; to provide that such bonds shall constitute negotiable instruments; to provide that such bonds shall be payable solely out of revenues of the several authorities, respectively, and shall not create an obligation or debt of the state; to provide that any bonds issued pursuant to this act may be used as security for deposits and investment of public funds and fiduciary funds; to specify the application of the proceeds of the bonds issued pursuant to this act; to provide for the construction of public office building facilities, the alteration, construction of annexes or additions to, and improvement of public office building facilities and for the equipment of such facilities or additions thereto by the several authorities above listed; to authorize the conveyance to each of said authorities of lands owned by the State; to create a reserve fund for the benefit of the bonds issued pursuant to this act; to authorize the authority established hereunder to pledge such revenues from any facilities constructed under authority of this act as may be necessary to pay the principal of and interest on its bonds; to authorize the filing for record of an instrument reciting the issuance of said bonds and the creation of said pledge as a lien on said revenues which filing will constitute constructive notice; to provide that the state treasury shall be the custodian of the funds of the authority; to provide for the lease to and by agencies, boards, commissions, public corporations, bureaus and departments of the State of Alabama and of the United States, and private parties of space for occupancy in said facilities or additions thereto; and to authorize publication of notice of each resolution authorizing any bonds or pledge

and to specify a limitation of time thereafter for actions or defenses respecting said bonds or pledge.

OBIE J. LITTLETON,  
Acting Chairman.

### RECESS

At 9:10 A.M., on motion of Mr. Pearson, the Senate took a recess until 11 o'clock this morning.

The recess period having expired, the Senate was called to order by Lieutenant Governor Beasley. A quorum of the Senate was present.

### POINT OF PERSONAL PRIVILEGE

Mr. Ellis stated that, had he been present when the Bill, S. B. 260, as amended, was passed on the Eighteenth Legislative Day, he would have voted "Aye".

### REPORT FROM RULES

Mr. Littleton, Acting Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Representative John Thomas Porter to the State Board of Pardons and Paroles

On motion of Mr. Pearson, the appointment of Representative John Thomas Porter to the State Board of Pardons and Paroles was confirmed by the Senate.

Yeas 27; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Goodwin, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Miller, Mims, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, St. John, Shelby, Vacca, Waldrop.

—27

*Nays:*

—0

Mr. Littleton, Acting Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Hon. Roy F. Bragg as a member of the Alabama Real Estate Commission

On motion of Mr. Vacca, the appointment of Hon. Roy F. Bragg as a member of the Alabama Real Estate Commission was confirmed by the Senate.

Yeas 27; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Miller, Mims, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, St. John, Vacca, Waldrop, Wilson.

—27

*Nays:*

—0

Mr. Littleton, Acting Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Hon. Henry B. Gray, III as Adjutant General

On motion of Mr. Adams, the appointment of Hon. Henry B. Gray as Adjutant General, was confirmed by the Senate.

Yeas 26; Nays 1.

*Yeas:*

Messrs. Adams, Baker, Clemon, Ellis, Fine, Gilmore, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Miller, Mims, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, St. John, Shelby, Vacca, Waldrop, Wilson.

—26

*Nay:* Mr. Edwards.

—1

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 308. CONGRATULATING MISS SHEALY TORBERT ON HER SELECTION AS ALABAMA'S 1977 CHERRY BLOSSOM PRINCESS.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Johnson:

H. 918. To create the office of Deputy District Attorney No. 6 of the Sixth Judicial Circuit and provide for the appointment, duties, and compensation of such office.

Also:

By Messrs. Sparks and Crowe:

H. 761. To amend Act No. 64, H. 92, 1975 Third Special Session (Acts 1975, p. 291) entitled "An Act Relating to counties having populations of not less than 16,600 nor more than 16,950 according to the most recent federal decennial census, providing expense allowances for the Circuit Court Register in such counties," so as to change the expense allowance to a salary supplement.

Also:

By Mr. Glass:

H. 215. To regulate further the issuance and execution of search warrants in connection with the enforcement in all counties having populations of not less than 300,000 nor more than 600,000, according to the most recent federal decennial census, of laws relative to narcotics and controlled substances; authorizing the execution of such warrants at any time of day or night.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 918. To the Committee on Judiciary.

H. B.'s 761 and 215. To the Committee on Local Legislation No. 1.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Callahan:

H. 890. To amend further Section 3 of Act No. 96, H. 17, First Special Session 1971 (Acts 1971, p. 166), which levies and regulates a privilege tax against persons engaged in the business of leasing or renting tangible personal property, so as to further provide for exemptions from the computation of the amount of the tax levied.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 890. To the Committee on Finance and Taxation.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Carothers:

H. 929. Relating to persons engaged in the business of weighing for hire and to persons not weighing for hire to whom the services of a certified weigher are necessary for the conduct of their business; to amend and reenact Sections 627, 628, 630 and 631 of Title 2 of the Code of Alabama of 1940, so as to subject public weighmasters or certified weighers to additional penalties for issuance of a false weight certificate or for negligence or malfeasance in issuing inaccurate weight certificates for the weight of any motor vehicle traveling on the public highways of this State; to provide additional penalties for persons who request that a weighmaster or certified weigher issue a false or incorrect weight certificate; to prescribe the amount of the annual permit fee to be paid by each person designated as a weighmaster or certified weigher; and the amount and condition of the bond required to be furnished by public weighmasters or certified weighers.

Also:

By Mr. Drake:

H. 145. To further amend Section 33 of Act No. 100, H. 94, 1959 Second Special Session (Acts of 1959, p. 315), as amended, entitled "An Act To raise revenue; levying a privilege or license tax against persons on account of certain business activities; prescribing the rate thereof and exemptions therefrom; superseding Article 10 of Chapter 20, Title 51, Code of Alabama 1940, as amended and supplemented," so as to exempt LP gas used by agricultural producers from the state sales tax.

Also:

By Mr. Merrill:

H. 401. To authorize and direct the Alabama Board of Nursing to promote continuing education for nurses, and to make an appropriation to the Alabama Board of Nursing to fund the development and production of continuing nursing education programs, seminars and workshops for nurses.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 929. To the Committee on Commerce, Transportation, and Utilities.

H. B.'s 145 and 401. To the Committee on Finance and Taxation.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Owens and Smith (C):

H. 611. To amend Section 343 of Title 55, Code of Alabama 1940, Recompiled 1958, as amended, to provide for an increase in the awarding authority of the State Board of Adjustment.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 611. To the Committee on State Government.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Warren: (with notice and proof):

H. 1138. Relating to Conecuh County; authorizing the county governing body to hold a referendum for the purpose of determining whether or not the said governing body of Conecuh County may levy and collect an additional gasoline tax equalling one cent per gallon; and providing for the revenues thereby generated be paid into the county for the purpose of constructing, maintaining and repairing county roads.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1138, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Mr. McCluskey:

H. 1145. To provide for renaming of positions and setting and payment of salaries of an administrative assistant and two secretaries to the district attorney in all counties having a population of not less than 65,000 nor more than 68,000 inhabitants according to the 1970 or any subsequent federal decennial census.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

- H. B.'s 1138 and 1145. To the Committee on Local Legislation No. 1.

## INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Messrs. St. John, Ellis and McDonald (S):

S. 809. To propose and provide for the submission of an amendment to the Constitution of Alabama which revises the entire Constitution of Alabama of 1901, as amended, with the exception of Article VI which has heretofore been adopted.

Committee on Constitution and Elections.

The above Bill was read a first time at length as required by the Constitution.

By Messrs. Pearson, McMillan, Clemon, Gilmore, Ellis and Vacca:

S. 810. To declare the theft of property from a disaster scene a felony and to provide for the punishment therefor without the possibility of probation or suspended sentence.

Committee on Judiciary.

By Mr. Edwards (with notice and proof):

S. 811. Relating to Morgan County; to further regulate the compensation of members of the county board of registrars; to repeal any laws conflicting with this Act and specifically Act No. 668, S. 787, Regular Session 1969 (Acts 1969, p. 1203) and Act No. 580, S. 568, Regular Session 1976 (Acts 1976, p. 787).

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 811, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Edwards (with notice and proof):

S. 812. Relating to Morgan County, to amend further Act No. 520, H. 1154, Regular Session 1965 (Acts 1965, p. 762), relative to establishing a jury commission for the county so as to provide further for the composition of said commission, and to provide that the county governing body shall set the maximum salary limits of the clerk and other appointive members of the commission.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 812, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.



By Mr. Edwards (with notice and proof):

S. 813. To repeal Act No. 769, H. 1377, approved September 8, 1961, entitled "An Act to define, regulate and license barbers and barber colleges, and other like businesses in Morgan County; to create a Barbers Commission for said county; to fix the powers and duties of said Commission; and to provide a penalty for violation of the provisions hereof," as amended.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 813, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Edwards (with notice and proof):

S. 814. Relating to Morgan County; to provide additional compensation for poll workers and poll officials in said county.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 814, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Wilson:

S. 815. To repeal Act No. 928, H. 1765 of the Regular Session of 1971 (Acts 1971, p. 1687) entitled, "An Act To provide for expense allowances for tax assessors in certain counties classified on a population basis."

Committee on Local Legislation No. 1.

By Mr. Wilson:

S. 816. To repeal Act No. 748, S. 604 of the Regular Session of 1975 (Acts 1975, p. 1515) entitled, "An Act Relating to counties having populations of not less than 55,500 nor more than 56,500 inhabitants according to the most recent federal decennial census; to provide an additional expense allowance for the judge of the intermediate court."

Committee on Local Legislation No. 1.

By Mr. Wilson:

S. 817. To repeal Act No. 926, H. 1763 of the Regular Session of 1971 (Acts 1971, p. 1686) entitled, "An Act To provide for expense allowances for Tax Collectors in certain counties classified on a population basis."

Committee on Local Legislation No. 1.

By Mr. Wilson:

S. 818. To repeal Act No. 69, H. 70 of the Third Special Session of 1971 (Acts 1971, p. 4217) entitled "An Act To provide for an additional eighteen hundred dollars (\$1,800.00) expense allowance for the county

treasurer of counties having a population of not less than 55,500 nor more than 56,500, according to the most recent federal decennial census."

Committee on Local Legislation No. 1.

By Mr. Wilson:

S. 819. To repeal Act No. 2400, H. 1767 of the Regular Session of 1971 (Acts 1971, p. 3831) entitled, "An Act To provide for expense allowances for the Judge of the Intermediate Court in certain counties classified on a population basis."

Committee on Local Legislation No. 1.

By Mr. Wilson:

S. 820. To repeal Act No. 682, S. 277 of the Regular Session of 1965 (Acts 1965, p. 1243) entitled, "An Act To provide expense allowances for the circuit court judges of the Fourteenth Judicial Circuit of Alabama payable from the general funds of the county constituting such circuit."

Committee on Local Legislation No. 1.

By Mr. Wilson:

S. 821. To repeal Act No. 71, H. 181 of the Second Special Session of 1965 (Acts 1965, p. 94) entitled, "An Act To provide expense allowances for the circuit court judges of the Fourteenth Judicial Circuit of Alabama payable from the general funds of the county constituting such circuit."

Committee on Local Legislation No. 1.

By Mr. Wilson:

S. 822. To repeal Act No. 104, S. 15 of the First Special Session of 1971 (Acts 1971, p. 186) entitled, "An Act Relating to all counties having populations of not less than 55,000 nor more than 56,500 according to the most recent federal decennial census; providing an expense allowance for the circuit clerk of such counties."

Committee on Local Legislation No. 1.

By Mr. Wilson:

S. 823. To amend Section 1 of Act No. 741, H. 1860 of the Regular Session of 1973 (Acts 1973, p. 1100) relating to expense allowances of the chairman and members of the governing bodies of counties having a population of not less than 55,500 nor more than 56,500 according to the 1970 or any subsequent federal decennial census, so as to raise such allowance.

Committee on Local Legislation No. 1.

By Mr. Littleton:

S. 824. To amend Paragraph 12 of Section 10-105, Act No. 549, Acts of Alabama, 1965 Regular Session of the Alabama Legislature (Title 51, §619, Code of Alabama) so as to provide an alternative procedure for the recording of instruments on which there may be future indebtedness by any owner which is a bank, savings and loan association or insurance company organized and established under the laws of the State of Alabama and the United States.

Committee on Banking.

By Mr. Goodwin (with notice and proof):

S. 825. To amend the title and Sections 1 and 4 of Act No. 969, H. 2064, Regular Session 1973, (Acts 1973, p. 1485), relating to certain county supplementary pay by Dallas County to any circuit judge of the county, so as to provide the same supplementary pay to the district judge of the county.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 825, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Baker (with notice and proof):

S. 826. To provide a procedure for altering or rearranging the boundary lines of the Town of Henager, DeKalb County, Alabama, so as to include within the corporate limits of said Town, all territory now within such corporate limits and also certain other territory contiguous thereto in DeKalb County, Alabama.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 826, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Baker (with notice and proof):

S. 827. Relating to DeKalb County; further regulating the salary of the members of the board of equalization, the board of registrars and the jury commission.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 827, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Clemon:

S. 828. To amend Section 36 of Title 29, Code of Alabama 1940, as amended, which relates to unlawful acts concerning alcoholic beverages by repealing subsection 3 thereof which prohibits the sale, furnishing or giving of liquor, vinous or malt and brewed beverages to any person on election day.

Committee on Judiciary.

By Mr. Adams (with notice and proof):

S. 829. To amend the City of Dothan Pension and Retirement System established by Act No. 103, Regular Session of the Alabama Legislature, approved June 18, 1953, and amended by Act No. 424, Regular Session of the Alabama Legislature, approved August 7, 1961; Act No. 509, Regular Session of the Alabama Legislature, approved

September 8, 1967; Act No. 59, Regular Session of the Alabama Legislature approved July 12, 1971; Act No. 78, Regular Session of the Alabama Legislature, approved July 25, 1975.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 829, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Edwards (with notice and proof):

S. 830. To amend Section 1 of Act No. 849, S. 189, 1975 Regular Session (Acts of 1975, p. 1691), entitled, "An Act Relating to Morgan County; to alter, rearrange and extend the boundary lines and corporate limits of the Town of Flint," so as to correct an error in the description of the property to be annexed.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 830, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

## REPORTS OF COMMITTEES

Mr. Waldrop, Chairman of the Standing Committee on Business and Labor Relations, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Perloff:

S. 289. To require that employers in this state shall pay wages to all discharged or resigned laborers or other employees within ten working days of termination of employment; and creating a cause of action for any such discharged or resigned employee whose employer fails to comply with the above mentioned requirements, and providing for payment of penalty wages by an employer who violates the requirements of this Act.

Mr. Gilmore, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Clemon:

S. 474. To further amend Title 52, Section 151 of the Code of Alabama of 1940, as amended, which section relates to city boards of education, so as to increase the compensation of certain members in cities having a population of more than 300,000.

By Mr. Vacca (with notice and proof):

S. 572. To further amend Section 2 of Act No. 217 of the 1966 Special Session of the Legislature of Alabama, approved August 30, 1966 (Acts of Alabama, 1966 Special Session, page 280, et seq.) entitled "An

Act to provide a separate retirement and relief system for certain of the presently active employees of the City of Birmingham who entered the service of the fire department of said city prior to September 19, 1939, and to whom is applicable the pension and relief system provided by Act No. 307 of the 1943 Regular Session of the Legislature of Alabama, as amended, and Act Number 22 of the Second Special Session of the Legislature of Alabama of 1956, to include in said separate system dependents of said presently active employees; and to render said Act No. 307 and Act Number 22 inapplicable to said certain presently active employees and their dependents".

By Mr. McMillan:

S. 649. Relating to counties with populations of not less than 600,000; to authorize and direct the establishment of a permanent list of absentee voters for physically incapacitated electors.

By Messrs. Ellis, Vacca and Gilmore:

S. 688. To provide and regulate a tax exemption for annexed territory of incorporated municipalities with populations of 2,000 or more in any county having a population of 600,000 or more according to the 1970 or any subsequent federal decennial census.

By Mr. McMillan (with notice and proof):

S. 702. To amend Section 167, Title 62, Code of Alabama of 1940 so that said Section 167, as amended, will provide in substance as follows: that in Jefferson County the Office of Coroner is abolished and that all powers, rights and duties now or hereafter authorized or required by law to be performed by coroners shall be exercised and performed by the county governing body through appointed Coroners/Medical Examiners, representatives or agents, for the performance of such duties in the entire county or in a designated portion thereof; that the county governing body shall be authorized to promulgate rules and regulations governing the operation of the Coroners'/Medical Examiners' office and the performance of the duties of the members of the staff; that the employment and compensation of such Coroners/Medical Examiners, representatives or agents shall be governed by any applicable civil service law; that each Coroner/Medical Examiner shall be a physician licensed to practice medicine in Alabama and recognized and trained in forensic medicine and pathology; that when there is more than one Coroner/Medical Examiner on the staff, the county governing body shall designate one of them as the Chief Coroner/Medical Examiner, and until such designation the Coroner/Medical Examiner longest in the continuous service of the County shall be the Chief Coroner/Medical Examiner; that the Chief Coroner/Medical Examiner shall direct the staff, subject to the supervision of the county governing body; that it shall be the duty of the Chief Coroner/Medical Examiner to investigate and determine, or to secure another Coroner/Medical Examiner to investigate and determine the cause and manner of any death when any death falls within one or more of the following categories: (a) criminal violence or criminal neglect, (b) suicide, (c) accident, (d) suddenly when in apparent good health, (e) unattended by a practicing physician, (f) suspicious or unusual circumstances, (g) criminal abortion, (h) poisoning, (i) diseases constituting a threat to public health, (j) disease, injury or toxic agent resulting from employment, (k) while under anesthesia or within twenty-four hours following anesthesia or any other diagnostic or therapeutic

procedure, (l) in any prison or penal institution, (m) when in police custody, (n) when a body is to be cremated, dissected or buried at sea, (o) unclaimed bodies, and (p) when a dead body is brought into the State without proper medical certification; that in investigating a death under Section 167, a Coroner/Medical Examiner shall be authorized to take charge of the dead body, to investigate the circumstances of the death, to conduct or have conducted an autopsy, and whether or not there is an autopsy, to take and retain whatever tissues and biological samples he deems necessary, including blood and/or urine, from the body of a person which he deems necessary to establish the cause and manner of such person's death, and to take possession of any object or article which in his opinion would be useful in establishing the identity of the deceased and/or the cause and manner of death; that there shall be vested in Medical Examiners all the authority now or hereafter vested in coroners by the law of Alabama, including the authority Section 76, Title 15, Code of Alabama of 1940, herein called "Section 76", vests in coroners to make inquiry of the facts and circumstances of the death of any person who has been killed or has suddenly died under such circumstances as to afford a reasonable ground for belief that such death has been occasioned by the act of another by unlawful means, and the authority Section 76 vests in coroners to submit to a judge of a court of record or a district attorney sworn written statements of witnesses having personal knowledge of such circumstances, and to summon, upon direction of such judge or district attorney, a jury to inquire into the cause and manner of such person's death; and that no member of the county governing body, Coroner/Medical Examiner, registered nurse or appointed assistant, shall incur any civil or criminal liability for his actions under Section 167.

By Mr. Hilliard, et al:

H. 462. To authorize any municipality having two hundred fifty thousand inhabitants or more according to the last or any subsequent federal census to sell and regulate the sale of stolen, abandoned, lost or unclaimed personal property.

By Mr. Gafford (with notice and proof):

H. 841. To provide that Jefferson County will pay to the chairman of the board of registers of Jefferson County, Alabama, longevity pay in the amounts and at the times provided for in the Act.

## RESOLUTIONS

Mr. Waldrop offered the following Senate Joint Resolution, to-wit:

S. J. R. 320. MOURNING THE DEATH OF PAUL H. KILLIAN.

WHEREAS, The Legislature of Alabama was deeply saddened to learn of the death of Paul H. Killian of Gadsden, Alabama on March 30, 1977; and

WHEREAS, Paul Killian, called "Rastus" by those who knew him well, was a native and lifelong resident of Etowah County, a graduate of Etowah High School, an alumnus of Howard College; a veteran of World War II and an actively involved member and deacon of the First Baptist Church of Attalla; and

WHEREAS, he was prominent in the business affairs of his community having served as manager of Fox-Penley Southern Auto Parts

for 25 years and Alabama City Auto Parts for six years; he further served as secretary of the Gadsden Football Officials Association for 15 years; and

WHEREAS, Mr. Killian, was a man who gained the respect, admiration and fond feelings of all those who were privileged to know him; he was a devoted husband and father and is survived by his wife, Mrs. Juanice Reagan Killian, his daughter, Mrs. Trina Houghton, and grandchildren, Ginger and Page Haswell; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we deeply mourn the death of Paul H. Killian and direct that copies of this resolution be sent to his family that they may know of our heartfelt sympathy for them in their great loss.

On motion of Mr. Waldrop, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Waldrop then offered the following Senate Joint Resolution, to-wit:

S. J. R. 321. MOURNING THE DEATH OF THE REVEREND FREEMAN GILLILAND OF ALTOONA.

WHEREAS, the Alabama Legislature has noted with a sense of loss and deep regret the death of the Reverend Freeman Gilliland of Altoona, Alabama on March 30, 1977 at the age of 95; and

WHEREAS, the Reverend Gilliland was a native and lifelong resident of Etowah County, a retired farmer and a member of the Clear Creek Methodist Church; and

WHEREAS, this fine Etowah County citizen had led a rich, full life; he was devoted to his church and his total embodiment of a true christian life of deeds and service to others served as a shining example to all those whose lives he touched; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we deeply regret and mourn the death of the Reverend Freeman Gilliland, and extend our heartfelt sympathy to his wife, Mrs. Birdie M. Gilliland; his sons, Mitchell and Banks Gilliland; his daughter, Mr. Veralyne Terrell; and other family members to whom copies of this resolution shall be sent.

On motion of Mr. Waldrop, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Waldrop then offered the following Senate Joint Resolution, to-wit:

S. J. R. 322. COMMENDING RICKEY BROWN, CRIMSON TIDE BASKETBALL STAR.

WHEREAS, the Legislature of Alabama has noted that Wednesday, March 30, 1977 was "Rickey Brown Day" in Gadsden, Alabama, so designated in honor of the University of Alabama Crimson Tide basketball star; and

WHEREAS, overall, during the four years he was at the University, Alabama enjoyed a phenomenal 92-20 record, three past-season

tournaments, three SEC Championships, and Rickey Brown played in every game, a standout on the best basketball teams in University of Alabama history with a collegiate athletic career to be admired and envied by enthusiasts and aspirants of the sport; and

WHEREAS, young Brown has been honored not only by his community, but praised also by his coaches and his teammates as a valuable member of the team who was willing to sacrifice personal glory when necessary to become a leader as a team player; and

WHEREAS, as a graduating senior, Rickey Brown stands on the threshold of realizing his lifelong desire to play professional basketball with Gadsden High School and Alabama careers that place him at the top of the list of the nation's most sought after players; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we highly praise and commend Rickey Brown for his outstanding accomplishments on the court, for his dedication to the sport of basketball and for the honor he has brought to his hometown, university and state.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Rickey and his wife Sheryl as a token of our esteem.

On motion of Mr. Waldrop, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Waldrop then offered the following Senate Joint Resolution, to-wit:

**S. J. R. 323. MOURNING THE DEATH OF JAMES PINKNEY WOOD OF GADSDEN.**

WHEREAS, it is with deep regret that the Alabama Legislature has learned of the death of James Pinkney Wood on March 29, 1977 in Gadsden, Alabama; and

WHEREAS, Mr. Wood, who was a native of St. Clair County, has been a resident of Etowah County for the past 32 years; he was an Air Force Veteran who served in the South Pacific during World War II, a member of the East Gadsden Baptist Church, and was retired from Republic Steel Corporation after 29 years service; and

WHEREAS, James Wood, affectionately and widely known as "Baby", was beloved of family and friends; he was a highly respected member of his community, an exemplary citizen of Etowah County known as a man of commendable action and deeds of service to his fellowmen; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we deeply mourn and regret the death of James Pinkney Wood and extend our most sincere sympathy to his wife, Mrs. Hassie Burgess Wood, to his sisters, Mrs. Frances Layton and Mrs. Louise Mixon, and other family members to whom copies of this resolution shall be sent.

On motion of Mr. Waldrop, the Rules were suspended and the Resolution was adopted by the Senate.



UNFINISHED BUSINESS  
BILLS ON THIRD READING

The Senate proceeded to consideration of the Unfinished Business for today, the first item of which was the Bill:

S. 542. To reorganize the Executive Department of state government; to express the public policy of the State regarding the structure and functions of the Executive Department, and to state the intent of the Legislature concerning the reorganization of the Executive Department, the establishment of new executive offices, the orderly transfer of certain enumerated agencies or the functions of such agencies to such executive offices, the effect of such reorganization on existing agencies of the Executive Department and their employees, the establishment in the future of executive offices or agencies, and the assignment or transfer of powers, duties, and functions of existing agencies, or agencies hereinafter created, to the executive offices or agencies established hereafter; to define certain terms, and to provide a uniform nomenclature for the internal structure of executive offices established in the Act; to list the Constitutional, elective, and executive offices which compose the Executive Department, except as may be otherwise provided by law; to limit the number of executive offices within the Executive Department to fifteen and to provide for the future assignment of agencies or functions to the executive offices established herein; to establish within each executive office established herein the position of Secretary; to enumerate the powers, duties, and functions of Secretaries of executive offices; to provide that Secretaries of executive offices shall perform their functions under the general control and supervision of the Governor; to provide that certain officers may be appointed for the executive offices established herein, including Deputy Secretaries, directors, supervisors, chiefs, and legal counsel; to provide that certain officers shall obtain commissions before entering upon and exercising the duties of their respective offices; to provide for the place of residence, oath of office, and official bond of certain enumerated officers of the executive offices established herein; to provide salaries for officers and employees of executive offices; to specify those officers and employees of executive offices who are subject to the State merit system law; to enumerate those officers of executive offices subject to impeachment and governed by the provisions of Act No. 130 enacted at the 1975 Regular Session of the Legislature; to provide for the transfer for administrative purposes of existing agencies of the Executive Department to the executive offices established herein; to provide that such agencies shall continue to perform their statutory functions under the supervision and regulation of the executive office to which they are transferred, except in the case of certain examining and licensing agencies and agencies authorized to issue bonds or other evidences of indebtedness; to specify those services which the executive office may perform for an agency transferred to it for administrative purposes; to provide for the transfer of the effects and the employees of agencies transferred for administrative purposes; to define the effect of such transfer on the obligations and debts of such agencies and the ability of such agencies, the State, or its executive offices, to comply with federal laws concerning federal assistance to any of them; to provide for the transfer of existing agencies and their statutory functions to an executive office established herein; to provide that any agency so transferred shall continue to exist as an advisory agency or advisory council within the executive office to which it is transferred; to provide for the effect of such transfer on the performance of the statutory

functions transferred, the filing of certain financial information, the pending business of any agency so transferred, the obligations and debts of any such agency, and the ability of any such agency, the State, or its executive offices to comply with federal laws concerning federal assistance to any of them; to provide for the transfer of the effects and the employees of any agency so transferred; to provide for the abolition of existing agencies and the transfer of their statutory functions to an executive office established herein; to provide for the effect of such abolition and transfer on the performance of the statutory functions transferred, the pending business of any abolished agency, the obligations and debts of any abolished agency, and the ability of the State, or its executive offices, to comply with federal laws concerning federal assistance to any of them or to any agency so abolished; to provide for the transfer of the effects and the employees of any agency so abolished; to provide that existing agencies may be abolished and that their statutory functions shall cease to exist; to provide for the effect of such abolition on the pending business of any such agency, its obligations, and its effects; to provide that civil and criminal actions pending on October 1, 1978, shall not be affected by this Act, except as specifically provided herein; to provide for employees of the State affected by this Act; to provide for other effects of this Act on the holders of bonds and obligations issued before October 1, 1978, and the parties to contracts and other agreements entered into before October 1, 1978; to continue lawfully adopted rules and regulations of certain agencies, to provide that the Governor may replace any state officer whose position is not continued by this Act and who is a member of an agency continued or transferred by this Act; to provide that the Governor shall be responsible for formulating and implementing a transition plan which carries out the provisions and purposes of this Act; to require the cooperation of all existing agencies of the Executive Department with the Governor in implementing this Act; to provide that the Legislature shall be furnished certain information pertaining to the reorganization of the Executive Department; to appropriate specified sums to the Office of the Governor to implement this Act; to provide that the transfer of agencies and functions of agencies as provided herein shall be effective on October 1, 1978; to provide for a Cabinet; to specify its members and assign it certain advisory functions; to provide for the continuation of any agency of the Executive Department existing on the effective date of this Act, except as otherwise provided herein; to specify a short title for this Act; to provide that if any provision of this Act is declared invalid, that such declaration shall not affect the validity of the remainder of the Act; to repeal all laws or portions of laws in conflict with this Act; to provide an effective date for this Act; to establish in the Executive Department the following executive offices: Office of Administration; Office of Business Regulation; Office of Economic and Community Development; Office of Forestry Services; Office of Health Resources; Office of Labor; Office of Mental Health; Office of Military Affairs; Office of Natural Resources; Office of Prisons and Rehabilitation; Office of Protection and Law Enforcement; Office of Revenue; Office of Social Services; Office of State Enterprises; Office of Transportation; to provide for the transfer of certain enumerated agencies to these executive offices by a specified method of reorganization; to provide that the Governor may by executive order abolish or transfer certain enumerated agencies established by Executive order to specified executive offices and by a specified method of reorganization; to abolish certain agencies; and to repeal specifically the following Acts or provisions thereof: Section 2(d) of Act No. 48 enacted at the 1950 Fifth Special Session of the Legislature; Act No. 514 enacted at the 1963 Regular Session of the Legislature; Section 3 of Act No. 712 enacted at the 1951

Regular Session of the Legislature; Sections 6 and 7 of Act No. 226 enacted at the 1965 Regular Session of the Legislature; Section 4(c) of Act No. 2059 enacted at the 1971 Regular Session of the Legislature; Section 5 of Act No. 582 enacted at the 1963 Regular Session of the Legislature; Act No. 1115 enacted at the 1969 Regular Session of the Legislature; Act No. 324 enacted at the 1947 Regular Session of the Legislature; Section 5 of Act No. 47 enacted at the 1955 Regular Session of the Legislature; Sections 4 and 5 of Act No. 103 enacted at the 1955 Regular Session of the Legislature; Act No. 92 enacted at the 1965 First Special Session of the Legislature; Section 32 of Act No. 1049 enacted at the 1969 Regular Session of the Legislature; Sections 4, 5, and 6 of Act No. 816 enacted at the 1973 Regular Session of the Legislature; Section 5 of Act No. 673 enacted at the 1947 Regular Session of the Legislature; Act No. 889 enacted at the 1953 Regular Session of the Legislature; Sections 8 and 9 of Act No. 1197 enacted at the 1975 Regular Session of the Legislature; Section 3 of Act No. 446 enacted at the 1963 Regular Session of the Legislature; Section 4 of Act No. 394 enacted at the 1957 Regular Session of the Legislature; Section 2 of Act No. 373 enacted at the 1955 Regular Session of the Legislature, as amended.

The question was on the substitute offered by Mr. King, which said substitute is set out in the Journal of the Senate for the Eighteenth Legislative Day.

Mr. King offered the following amendment to the substitute, for the Bill, S. B. 542, to-wit:

#### AMENDMENT TO SUBSTITUTE FOR S. B. 542

#### A BILL TO BE ENTITLED AN ACT

To reorganize the Executive Department of State government within six new Executive Offices; to provide for the orderly transfer of certain enumerated existing agencies, or the functions of such agencies, to these new Executive Offices; to provide for the effect of such reorganization on existing agencies of the Executive Department and their employees; to establish within each Executive Office created herein the position of Secretary, and to enumerate the powers, duties and functions of Secretaries of Executive Offices; to provide for the role of the Governor and the Governor's Office in such reorganization; to create within the Governor's Office the new positions of Director of Management and Administrative Planning and Federal Programs Liaison Officer; to create within the Office of Human Resources the Department of Public Health, and a Department of Medical Benefits; to create within the Office of Education the Alabama Board of Higher Education; to create within the Office of Commerce, Labor and Manpower Relations the Office of Consumer Affairs; and to provide the effective date for this Act and the effective date for the reorganization of the Executive Department.

Be It Enacted by the Legislature of Alabama:

#### ARTICLE I. GENERAL PROVISIONS

Section 1. Short Title. This Act shall be known as the "Executive Department Reorganization Act of 1977."

Section 2. Declaration of Legislative Intent. It is the intent of the Legislature to create a structure for the Executive Department of state

government which is responsive to the needs of the people of this state while at the same time promoting efficiency and economy in the operation and management of such government; to improve services to the citizens of the State while conserving the human and natural resources of the State; to strengthen the executive capacity to administer effectively, efficiently and economically at all levels; to effect the grouping of agencies into a reasonable number of Executive Offices primarily according to function so as to facilitate orderly management and control; to provide clearly fixed and ascertainable responsibility and accountability within the Executive Department of the state government for the implementation of programs and policies; and to eliminate duplication of effort within the Executive Department of the state government.

(a) Pursuant to the above-stated ends, it is the intent of the Legislature to reorganize the Executive Department of state government within six newly created Executive Offices, to-wit: the Office of Finance and Administration; the Office of Human Resources; the Office of Education; the Office of Commerce, Labor and Manpower Relations; the Office of Natural Resources, Parks and Recreation; and the Office of Public Safety and Transportation; to provide for the orderly transfer of certain enumerated existing agencies, or the functions of such agencies, to these six Executive Offices, to provide for the effect of such reorganization on existing agencies of the Executive Department and their employees; to establish within each Executive Office the position of Secretary, and to define the power, duties and functions of Secretaries of Executive Offices; to provide for the role of the Governor and the Governor's Office in such reorganization; to create within the Governor's Office, in the interest of improved intergovernmental coordination and managerial efficiency, the positions of Director of Management and Administrative Planning and Federal Programs Liaison Officer; and to create a viable program and implementation schedule by which further reorganization may take place within the Executive Department, with accompanying reduction in operational costs.

(b) It is the intent of the Legislature that, subject to the State Merit System Law, any individuals affected by the abolition by this Act of any agency shall be given priority consideration for any new positions created by this Act, or other vacant positions in state government, if they are otherwise qualified.

Section 3. Definitions. Whenever used in this Act, the following terms shall have the following respective meanings, unless the context clearly indicates otherwise:

(1) "Agency" means any executive office, department, division, bureau, section, authority, board, commission, council, office, officer or like governmental unit or subunit in the Executive Department.

(2) "Cabinet" means collectively the Secretaries of the Executive Offices created by this Act, together with the Director of Management and Administrative Planning.

(3) "Constitution" means the Constitution of Alabama of 1901, as amended.

(4) "Constitutional offices" and "Constitutional officers" mean collectively those offices or officers, respectively, designated in Article V of, and Amendment 184 to, the Constitution; that is, the Governor, Lieutenant Governor, Attorney General, State Auditor, Secretary of

State, State Treasurer, Commissioner of Agriculture and Industries, State Board of Education and State Superintendent of Education.

(5) "Executive Department" means that branch of state government established in Article V of the Constitution, consisting of the Office of the Governor, the various Executive Offices created by this Act and all Constitutional offices and officers.

(6) "Executive Office" means a principal, functional and administrative entity in the Executive Department created by this Act, to include the units and functions assigned thereto.

(7) "Function" means a duty, power, responsibility, authority, discretion, or program exercised by, or assigned to an agency, whether or not specifically provided for by law, including budgeted positions and personnel relating to the performance of such function.

(8) The terms "policy" and "policy making" mean those functions related to establishing the general purpose and direction which programs of an agency shall take.

(9) "Secretary" means the individual who is the executive head and principal administrative officer of one of the six Executive Offices created and provided for by this Act.

Section 4. Role and Function of the Governor's Office Under Executive Department Reorganization. Any and all Constitutional and statutory duties and responsibilities of the Governor or the Governor's Office are preserved intact. The Governor is further charged with the responsibility of overall supervision and control of the Executive Department of state government under the reorganization plan outlined by the provisions of this Act. Nothing contained herein shall in any way affect or limit the Governor's responsibility for overall policy making and execution of the affairs of state government.

(a) There is herein created as a new position within the Governor's Office a Director of Management and Administrative Planning. Under the direction of the Governor, the Director of Management and Administrative Planning will oversee, manage, plan for and execute the implementation of the reorganization of the Executive Department of state government as provided for in this Act. The Director shall be responsible to the Governor for overall management and administrative planning within the Executive Department. The Director is charged with the periodic reevaluation of the organization and structure of the Executive Department, and is to make periodic recommendations to the Governor for additional reorganization deemed necessary to the efficient management and administrative operations of the Executive Department. The Director of Management and Administrative Planning is to be appointed by and serve at the pleasure of the Governor, and to be compensated in an amount to be determined by the Governor. The Director of Management and Administrative Planning is to serve in the exempt service of the State as provided by Article V, Section 3 of this Act. The Governor may at his option assign to the Lieutenant Governor, with the Lieutenant Governor's consent and agreement, any portion of the administrative responsibility of the Director of Management and Administrative Planning or of any Secretary.

(b) There is herein created as a new position within the Governor's Office a Federal Programs Liaison Officer. This Officer is to be the official

liaison for the State with all agencies and units of the federal government; to serve as a federal government information clearinghouse for agencies of state government; and to be responsible for overall coordination of federal programs available to and administered by agencies of the State. Any such staff functions currently performed by other Executive Department personnel are hereby transferred to the Federal Programs Liaison Officer. The Federal Programs Liaison Officer is to be appointed by and serve at the pleasure of the Governor, and to be compensated in an amount to be determined by the Governor. The Federal Programs Liaison Officer is to serve in the exempt service of the State as provided in Article V, Section 3 of this Act.

Section 5. Establishment of the Executive Offices of the Executive Department of State Government. Except as otherwise provided by this Act or the Constitution of Alabama, all offices, agencies, authorities, boards, commissions, departments, and their respective functions, shall be assigned to or allocated among and within the existing Constitutional or elective offices.

(a) In addition, there are hereby created the following Executive Offices:

- (1) Office of Finance and Administration;
- (2) Office of Human Resources;
- (3) Office of Education;
- (4) Office of Commerce, Labor and Manpower Relations;
- (5) Office of Natural Resources, Parks and Recreation; and
- (6) Office of Public Safety and Transportation.

(b) Each Executive Office enumerated in Subsection (a) above shall be headed by a Secretary. The Secretary is the executive head and principal administrative officer of the Executive Office to which appointed. The Secretary is to be appointed by and serve at the pleasure of the Governor and is to be in the exempt service of the State as provided in Article V, Section 3 of this Act. The Secretary shall be compensated in an amount commensurate with the duties and responsibilities of the office he holds as determined by the Governor, provided, however, that no Secretary appointed under this Act shall be required to serve for less compensation than he is presently receiving, should such Secretary currently be in the service of the State. The Secretary shall plan, direct, coordinate and execute the powers, duties and functions vested in the Executive Office which he holds, and shall supervise and coordinate those vested in the units thereof. Powers and duties assigned or transferred to a unit of the Executive Office shall not be construed to be a limitation upon this authority and responsibility.

(c) Except as otherwise provided by law or by this Act, the Secretary shall establish, with the approval of the Governor, the internal organization of the Executive Office, and shall allocate and reallocate duties and functions to promote economical and efficient administration and operation thereof. The Secretary shall appoint such staff, with the approval of the Governor, as he deems necessary to the execution of the duties and responsibilities of the Office of the Secretary. Such persons shall serve in the exempt service of the State.

(d) The heads of departments and such other agencies of the Executive Offices, unless otherwise provided by this Act, shall be appointed by the Secretary, with the approval of the Governor. Unless otherwise provided herein or in subsequent legislation, such department or agency heads shall continue to perform the duties and responsibilities presently attached to their respective departments or agencies and shall continue to exercise the authorities and powers presently held. The Secretary of the applicable Executive Office shall recommend to the Governor and the Governor shall fix compensation for such department or agency heads in an amount commensurate with the duties and responsibilities exercised by each, provided, however, that no head of a department or such other agency of an Executive Office appointed under this Act shall be required to serve for less compensation than he is presently receiving, should such head of a department or such other subunit of said Executive Office currently be in the service of the State. The Secretary is further empowered to do such things, not inconsistent with existing laws, as are necessary to perform properly the duties and functions vested in him.

Section 6. Transfer for Administrative Purposes. The existing agencies of the Executive Department of state government shall be transferred to the six newly created Executive Offices by either of four statutory means:

(a) Type 1(A) Transfers

An existing agency may be transferred to an Executive Office for an administrative coordination only such transfer being designated herein as a Type 1(A) transfer. A Type 1(A) transfer provides for the intact transfer of an existing agency of State government into an Executive Office while remaining a separate identifiable unit of the office. It shall exercise all prescribed statutory functions in the same manner as heretofore. However, Type 1(A) agencies are responsible to the Secretary for the establishment of agency goals and annual objectives, its proposed plans to implement the goals and objectives including estimates of future service needs, planned methods of administration, proposed modification of estimated program services and establishment of new program services, and the estimated resources needed to carry out the proposed plan; the budget requested to carry out its proposed plans in the succeeding fiscal year. The budget request information shall include the expenditures during the last fiscal year, those estimated for the current fiscal year, those proposed for the succeeding year, a report of the revenues during the last fiscal year, and an estimate for the succeeding fiscal year. Type 1(A) agency shall submit to the Secretary a performance report including:

- (1) The work accomplished, and the service provided, in the preceding fiscal year relating actual accomplishments to those planned;
- (2) The relationship of accomplishments and services to the policy decisions and budget determinations of the Governor and the Legislature;
- (3) The cost of accomplishing the work, and providing the services, and, to the extent feasible, citing meaningful measures of program effectiveness and cost; and
- (4) The administrative improvements made in the preceding year, potential improvement in future years, and suggested changes in legislation or administrative procedures to make future improvements.

(b) Type 1 Transfers:

(a) An existing agency may be transferred to an Executive Office for administrative purposes, such transfer being designated herein as a Type 1 transfer. A Type 1 transfer provides for the intact transfer of an existing agency of state government into an Executive Office while remaining a separate, identifiable unit of the office. It shall exercise all prescribed statutory functions in the same manner as heretofore. The Executive Office as to which a Type 1 office is transferred shall:

(1) Provide all administrative functions of the agency including payroll, procurement, clerical, recordkeeping, reporting.

(2) Provide staff for the agency if not provided otherwise; or

(3) Disseminate for the agency required notices, rules, or orders adopted, amended, or repealed for the agency.

(b) All property of every kind shall be transferred with, but shall continue to be possessed, controlled, used, or employed by the agency.

(c) Type 1 agencies are responsible to the Secretary for the establishment of agency goals and annual objectives, its proposed plans to implement the goals and objectives including estimates of future service needs, planned methods of administration, proposed modification of estimated program services and establishment of new program services, and the estimated resources needed to carry out the proposed plan; the budget request to carry out its proposed plans in the succeeding fiscal year. The budget request information shall include the expenditures during the last fiscal year, those estimated for the current fiscal year, those proposed for the succeeding year, a report of the revenues during the last fiscal year, and an estimate for the succeeding fiscal year.

Type 1 agency shall submit to the Secretary a performance report including:

(1) The work accomplished, and the service provided, in the preceding fiscal year relating actual accomplishments to those planned;

(2) The relationship of accomplishments and services to the policy decisions and budget determinations of the Governor and the Legislature;

(3) The cost of accomplishing the work, and providing the services, and, to the extent feasible, citing meaningful measures of program effectiveness and cost; and

(4) The administrative improvements made in the preceding year, potential improvement in future years, and suggested changes in legislation or administrative procedures to make future improvements.

(c) An existing agency may be transferred to an Executive Office in such a manner that the statutory functions of the agency so transferred are vested in, and thereafter made the responsibility of the Executive Office to which the transfer is made. Under such circumstances, such statutory functions are to be administered by the Secretary of the Executive Office in accordance with the powers vested in him by this Act and the applicable laws pertaining to each agency, such transfer being designated herein as a "Type 2" transfer. The agency whose functions are thus transferred shall continue in existence within the Executive Office. If the agency was previously under the control of management of a board, council, commission, or other governmental entity, then that board,



council, commission or other governmental entity shall continue in existence as an advisory unit within the Executive Office.

(d) An existing agency may be abolished and its statutory functions transferred to, vested in, and hereafter made the responsibility of the Executive Office to which the transfer is made, to be administered by the Secretary of the Executive Office in accordance with the powers vested in him by this Act and the applicable laws pertaining to each agency. Such abolition and transfer is designated herein as a "Type 3" transfer. The transferred agency is thus abolished as a separate governmental entity. The Executive Office and its Secretary shall be the successor in every way to the powers, authority and duties of any Type 3 agency.

## ARTICLE II. EXECUTIVE OFFICES

Section 1. Office of Finance and Administration. There is established in the Executive Department the Office of Finance and Administration. The head of the Office is the Secretary of Finance and Administration. The Office, through its units and officers, shall be responsible for the supervision and coordination of all basic financial and administrative services of state government and shall supervise and coordinate the basic management and administrative services and functions required of state government.

(a) Type 1 Transfers. The following agencies are transferred to the Office of Finance and Administration by a Type 1 transfer:

- (1) The Department of Finance;
- (2) The Department of Revenue;
- (3) The State Military Department;
- (4) The State Personnel Department;
- (5) The Alabama Trade School and Junior College Authority;
- (6) The Alabama Public School and College Authority;
- (7) The Alabama Education Authority;
- (8) The Corporation for Borrowing for Schools;
- (9) The Alabama Highway Authority;
- (10) The Alabama Highway Finance Corporation (1943 Session);
- (11) The Alabama Highway Finance Corporation (1965 Session);
- (12) The Alabama Turnpike Authority;
- (13) The Dauphin Island Bridge Authority;
- (14) The Alabama Bridge Commission;
- (15) The State Toll Bridge Authority;
- (16) The State Industrial Development Authority;
- (17) The Alabama Corrections Institution Finance Authority;
- (18) The Bond Commission for Construction of Mental Health Centers;

(19) The Alabama State Hospitals and Partlow State School Bond Commission;

(20) The Bond Commission;

(21) The Alabama Building Finance Authority;

(22) The Alabama Building Authority;

(23) The Alabama Building Corporation;

(24) The Agricultural Center Corporation;

(25) The Coosa Valley Development Authority;

(26) The West Alabama Environmental Improvement Authority;

(27) The North Alabama Environmental Improvement Authority;

(28) The Southeast Alabama Environmental Improvement Authority;

(29) The Alabama Pollution Control Finance Authority;

(30) The Board of Adjustment;

(31) The Board of Compromise;

(32) The Alabama Constitutional Commission;

(33) The Board to Approve Contracts for Public Printing;

(34) The Board of Appointment of Registrars of Elections;

(35) The Armory Commission of Alabama;

(36) The State Department of Veterans' Affairs;

(37) The State Employees' Insurance Board;

(38) The State Personnel Board is hereby re-established in the following form as a Type 1 agency with the office of Finance and Administration:

(a) The State Personnel Board shall be increased in membership from three to five persons; two of whom shall be state employees elected at large in a manner prescribed by the Legislature.

(39) The Alabama Academy of Honor;

(40) The Hall of Fame Board;

(41) The Alabama Women's Hall of Fame;

(42) The Alabama Sports Hall of Fame Board;

(43) Motor Sports Hall of Fame.

(b) Type 2 Transfers.

(1) The Building Commission;

(2) The Commission on Uniform State Laws;

(3) The Governor's Committee on Employment of the Handicapped.

(c) **Type 3 Transfers.** The following agencies are transferred to the Office of Finance and Administration by a Type 3 transfer:

- (1) The State Personnel Board;
- (2) The Military Advisory Board;
- (3) The Governor's Mansion Advisory Board;
- (4) The Office of Space Management.

(d) **Transfer of Agencies by Executive Order.** The Governor may at his option by executive order transfer the following agencies created by executive order to the Office of Finance and Administration by the method of reorganization indicated:

- (1) The Alabama Entertainers Hall of Fame—Type 1 transfer;
- (2) The Governor's Committee on State Government Reorganization—Type 2 transfer;
- (3) The Alabama Military Hall of Honor—Type 1 transfer;
- (4) The Industrial Securities Advisory Council—Type 2 transfer;
- (5) The Motion Picture and Television Advisory Committee—Type 2 transfer; and
- (6) The Hank Williams Memorial Commission—Type 2 transfer.

(e) In addition to the agency type transfer herein above provided there shall also be assigned to the Office of Finance and Administration the consolidation of all state-owned aircraft, excluding those used for law enforcement purposes, into a central and properly controlled air transportation pool. The Governor shall by executive order create the air transportation pool and shall give it adequate powers and controls to insure compliance with the intent of this section. The Governor shall have complete authority to carry out the provisions thereof.

**Section 2. Office of Human Resources.** There is established in the Executive Department the Office of Human Resources. The Office, through its units and officers, shall be responsible for supervision and coordination of all basic human services provided by state government, to include human development, institutional and correctional care, income and health maintenance, and health and welfare-related programs and services.

(a) **Type 1-A transfers.** The following agencies are transferred to the Office of Human Resources by a Type 1-A transfer:

- (1) The Alabama Mental Health Board;
- (2) The Board of Corrections of Alabama. In addition to the present structure of said board, the Governor of Alabama shall hereafter be a member of this Board and shall serve as its Chairman;
- (3) The State Board of Pardon and Paroles;
- (4) There is hereby created within the Office of Human Resources as a Type 1-A agency the State Committee of Public Health. Subject only to the provisions of this section, the State Committee of Public Health shall continue to exercise the statutory functions set out in Title 22, Section 2 et

seq., Code of 1940, Recomplied and amended, including the selection of the State Health Officer. The Secretary of the Office of Health Resources shall serve as a member of the State Committee of Public Health with the right to vote. Nothing in this Act shall be construed as affecting the designation of the State Board of Health or the State Committee of Public Health acting in its place as the single state agency for health planning and development under PL. No. 93-641. Under the supervision of the State Committee of Public Health, there are hereby created the following departments:

(a) The Department of Public Health is established in the Executive Department of State Government, to exercise general supervision over the enforcement of laws relating to public health. Such department shall coordinate the delivery of medical services to those citizens who are unable to obtain such services through other means. The Department of Public Health shall be headed by the State Health Officer who shall be under the direction of the State Committee of Public Health, and who shall be in the exempt service of the State.

(b) There is also created within the Office of Human Resources as a Type 1-A agency; the Department of Medical Benefits to operate as a single state agency for the administration of publicly-funded medical benefit programs. The Department is specifically charged with the administration of the Medicaid Program, including determinations as to benefit eligibility and payment. The Department is to be headed by a director who is to be appointed by and under the direction of the State Committee of Public Health. The Director of the Department shall be in the exempt service of the State.

(b) Type 1 transfers. The following agencies are transferred to the Office of Human Resources by a Type 1 transfer.

- (1) The Department of Pensions and Security;
- (2) The Department of Mental Health;
- (3) The Department of Youth Services;
- (4) The State Board of Health;
- (5) State Health Officer;

(c) Type 2 transfers. The following agencies are transferred to the Office of Human Resources by a Type 2 transfer.

- (1) The State Board of Pensions & Security;
- (2) The Commission on Aging;
- (3) The Advisory Council;
- (4) The Advisory Council for Hospital Construction;
- (5) The Statewide Health Coordinating Council;
- (6) The Council on Dental Health.
- (7) The Council on Animal and Environmental Health;
- (8) The Council on Health Costs, Administration and Organization;
- (9) The Council on the Prevention of Disease and Medical Care;

(10) The State Radiation Control Agency.

(d) Type 3 Transfer. The following agencies are transferred to the Office of Human Resources by a Type 3 transfer:

(1) The Board for Distribution and Delivery of Dead Bodies.

(e) Transfer of Agencies by Executive Order. The Governor may at his option by executive order transfer the following agencies created by executive order to the Office of Human Resources by the method of reorganization indicated:

(1) The Alabama Advisory Council for Alcoholism Services—Type 2 transfer;

(2) The Alabama Advisory Council on Drug Abuse—Type 2 transfer;

(3) The Governor's Commission on Drug Abuse—Type 2 transfer;

(4) The Alabama Inter-Departmental Coordinating Committee for Early Childhood Development—Type 2 transfer; and

(5) The Alabama Planning and Advisory Council for Developmental Disabilities Services and Facilities—Type 2 transfer.

Section 3. Office of Education. There is established in the Executive Department the Office of Education. The head of the office is the Secretary of Education. Subject to existing Constitutional provisions, the office, through its units and officers, shall be responsible for the supervision and coordination of all educational functions and services provided by state government.

(a) Type 1-A transfers. The following agencies are transferred to the Office of Education by a Type 1-A transfer:

(1) State Board of Education;

(2) The State Department of Education;

(3) The State Superintendent of Education;

(4) The Boards of Trustees of Alabama institutions of higher education, to-wit:

(a) Alabama Agricultural and Mechanical University;

(b) Alabama State University;

(c) Auburn University;

(d) University of North Alabama;

(e) Jacksonville State University;

(f) Livingston University;

(g) Troy State University;

(h) The University of Alabama System;

(i) University of Montevallo; and

(j) University of South Alabama.

(5) There is hereby established within the Office of Education as a Type 1-A agency, the following Board:

(a) There is hereby established the Alabama Board of Higher Education. The Board shall have responsibility for the development and supervision of a comprehensive master plan for programs and facilities at all four-year and two-year institutions of higher learning, including the delineation of role and scope for each respective institution. In accordance with the plan, the Board shall approve all new programs, courses of study, branch campuses, extension centers, new construction funded by state appropriations and acquisition by the State of any heretofore private, post-secondary institution. The Board shall have the further responsibility for developing funding criteria which recognize differing responsibilities and costs among the institutions and for submitting to the Governor and the Legislature each year a unified recommendation for operating and capital needs. The Board shall be responsible for all buildings and equipment at all institutions and shall develop a working inventory of all such buildings and equipment. The Board shall establish and administer space standards for proper utilization of classrooms, laboratories, and administrative facilities to aid in the evaluation of the use of all buildings. The Board shall have exclusive control over the establishment of new campuses, branch campuses, off-campus instruction, or extension centers. The Board shall have full authority to terminate any such programs. The Board shall develop a uniform system for accounting, record keeping, and administrative procedures for all institutions. The Board shall develop internal audit capabilities for financial and performance controls at each institution, reporting directly to the Board. The Board shall develop and maintain a system of usable educational data. The Board may delegate any part of its authority over the affairs of any institution to the Board of Trustees or; through the President of the Board, to the Chancellor of any constituent institution or President of a junior college in any case where such delegation appears necessary or prudent to enable the institution to function in a proper and expeditious manner. Any such delegation of authority may be rescinded by the Board at any time in whole or in part. The members of such Board shall be appointed by the Governor, with consent of the Senate, and shall consist of one member from each Congressional District and two additional members from the state-at-large. Board members shall be appointed for a term of three years and shall be eligible to succeed themselves for no more than three successive terms. The Governor shall serve as an ex-officio member of the Board. No other state official, board member or employee of any public, post-secondary institution shall be eligible for appointment to the Board. The Board shall elect a chairman, vice-chairman and secretary from its membership and shall appoint a chief administrative officer who shall be designated the Commissioner of Higher Education. The Board shall fix the compensation of the Commissioner of Higher Education in an amount commensurate with the duties and responsibilities of the office he holds. The Commissioner, with approval of the Board, may employ and fix compensation of other staff necessary to the operation of the Board. The Board shall have no authority in matters previously reserved by the Constitution to institutional governing boards, the State Board of Education, or the Legislature.

(b) Type 1 transfers. There is hereby transferred as Type 1 agencies to the Office of Education the following:

- (1) The Board of Commissioners of Tuskegee Institute;

- (2) The Alabama Institute for the Deaf and Blind;
- (3) The Alabama Public Library Service;
- (4) The Alabama Firefighters Personnel Standards and Education Commission.
- (5) The Board of Trustees of the Alabama Stonewall Jackson Memorial Fund.

(c) Type 2 Transfers. The following agencies are transferred to the Office of Education by a Type 2 transfer.

- (1) The Alabama High School of Fine Arts;
- (2) The Alabama State Council on the Arts and Humanities;
- (3) The Alabama Art Commission;
- (4) The State Commission on Physical Fitness;
- (5) The Board of Dental Scholarship Awards;
- (6) The Board of Medical Scholarship Awards;
- (7) The Gorgas Memorial Board. Hereafter the Gorgas Memorial Board shall operate under the authority of the University of Alabama.
- (8) The Alabama Post-Secondary 1202 Commission;
- (9) The Alabama Advisory Council on Vocational Education.

(d) Type 3 Transfers. The following agencies are transferred to the Office of Education by a Type 3 transfer:

- (1) The Alabama Commission on Higher Education;
- (2) The Alabama Education Study Commission.

Section 4. Office of Commerce, Labor and Manpower Relations. There is established in the Executive Department the Office of Commerce, Labor and Manpower Relations. The head of the Office is the Secretary of Commerce, Labor and Manpower Relations. The office, through its units and officers, shall be responsible for supervision and coordination of all basic commercial, industrial, business, labor and manpower functions of state government, to include licensing and business regulation, economic and community development, and state enterprises.

(a) Type 1-A Transfers. The following agencies are hereby transferred to the Office of Commerce, Labor, and Manpower Relations:

- (1) The Public Service Commission.

(b) Type 1 Transfers. The following agencies are transferred to the Office of Commerce, Labor and Manpower Relations by a Type 1 transfer:

- (1) The State Banking Department;
- (2) The Department of Insurance;
- (3) The Alcoholic Beverage Control Board;
- (4) The Alabama Development Office;
- (5) The Alabama State Docks Department;

- (6) The Department of Industrial Relations;
- (7) The Department of Labor;
- (8) The Alabama Real Estate Commission;
- (9) The Alabama Securities Commission;
- (10) The Board of Appeals of the Department of Industrial Relations;
- (11) The Alabama State Board of Public Accountancy;
- (12) The Alabama State Bar and the Board of Commissioners of the State Bar;
- (13) The State Board for Registration of Architects;
- (14) The State Board of Auctioneers;
- (15) The Board of Barber Examiners;
- (16) The Boxing and Wrestling Commissioner;
- (17) The State Board of Chiropractic Examiners;
- (18) The Alabama Board of Cosmetology;
- (19) The Board of Dental Examiners of Alabama;
- (20) The Alabama Board of Funeral Service;
- (21) The State Licensing Board for General Contractors;
- (22) The State Licensing Board for the Healing Arts;
- (23) The Board of Hearing Aid Dealers;
- (24) The Alabama State Board of Examiners of Landscape Architects;
- (25) The State Board of Medical Examiners;
- (26) The Board of Medical Technicians Examiners;
- (27) The Board of Nursing;
- (28) The Board of Examiners of Nursing Home Administrators;
- (29) The Alabama Board of Optometry;
- (30) The Alabama State Board of Pharmacy;
- (31) The Board of Physical Therapy;
- (32) The State Board of Podiatry;
- (33) The Alabama Board of Examiners in Psychology;
- (34) The Alabama Board of Examiners of Speech Pathology and Audiology;
- (35) The State Board of Veterinary Medical Examiners;
- (36) The State Board of Registration for Professional Engineers and Land Surveyors;



(37) The Board to Examine Entomologists, Horticulturists, Floriculturists and Tree Surgeons;

(38) The Liquefied Petroleum Gas Board;

(39) The State Pilotage Commission;

(40) The State Board of Registration for Foresters;

(41) The Bear Creek Development Authority

(42) There is hereby created within the Office of Commerce, Labor and Manpower Relations as a Type 1 agency, the following office of state government:

(a) The Office of Consumer Affairs is hereby established to do and perform those duties and functions specifically prescribed and set forth for the Office of Consumer Protection Officer established by Executive Order No. 17, 1971, and to further supervise and coordinate affairs relating to the protection of the consumer interests of our citizens.

(c) Type 2 Transfers. The following agencies are transferred to the Office of Commerce, Labor and Manpower Relations by a Type 2 transfer:

(1) The Alabama Occupational Information System;

(2) The Alabama Women's Commission;

(3) The Polygraph Examiners Board;

(4) The Board of Registration for Sanitarians;

(5) The Board of Certification of Water and Waste Water Systems Personnel.

(d) Type 3 Transfers. The following agencies are transferred to the Office of Commerce, Labor and Manpower Relations by a Type 3 transfer:

(1) The Advisory Council to the Department of Industrial Relations;

(2) The Ameraport Offshore Harbor and Terminal Commission;

(3) The Elk River Development Authority;

(4) The Alabama River Development authority;

(5) The Advisory Council for Practical Nursing;

(6) The Advisory Council to the Board of Examiners of Nursing Home Administrators;

(7) The State Industrial Development Board

(e) Transfer of Agencies by Executive Order. The Governor may at his option by executive order transfer the following agencies created by executive order to the Office of Commerce, Labor and Manpower Relations by the method of reorganization indicated:

(1) The State Manpower Planning Council—Type 3 transfer;

(2) The Office of Consumer Protection Officer—Type 3 transfer.

Section 5. Office of Natural Resources, Parks and Recreation. There is established in the Executive Department the Office of Natural

Resources, Parks and Recreation. The head of the Office is the Secretary of Natural Resources, Parks and Recreation. The Office, through its units and officers, shall be responsible for supervision and coordination of all functions of state government pertaining to natural resources and energy development, environmental, forestry, parks, historical and archival services, and recreation.

(a) Type 1 Transfers. The following agencies are transferred to the Office of Natural Resources, Parks and Recreation by a Type 1 transfer:

- (1) The Department of Conservation and Natural Resources;
- (2) The Department of Publicity and Information, which shall hereafter be designated as the dept. of Tourism;
- (3) The Geological Survey of Alabama;
- (4) The State Forestry Commission;
- (5) The Department of Archives and History;
- (6) The State Oil and Gas Board;
- (7) The Alabama Aviation Exhibit Commission;
- (8) The Alabama Surface Mining Reclamation Commission;
- (9) The Water Improvement Commission;
- (10) The Alabama Water Wells Standards Board;
- (11) The Air Pollution Control Commission;
- (12) The U.S.S. Alabama Battleship Commission;
- (13) The Alabama Coastal Area Board;
- (14) The Alabama Historical Commission. Under the Alabama Historical Commission the following councils, commissions, and committees shall each be designated or re-designated a Council to make recommendations to the Alabama Historical Commission and administratively to be responsible to the same, the methods and terms of appointment to such Councils to be retained as prescribed by law:

- (a) The State Capitol Advisory Committee
- (b) The Council on Alabama Archaeology
- (c) The LaGrange Historical Commission
- (d) Live-in-a-Landmark Council
- (e) The Historic Resources Adaptors Council
- (f) The Alabama Creek Indian Council
- (g) The Richmond Pearson Hobson Memorial Board
- (h) The State Historic Forts and Trails Council

(b) Type 2 Transfers. The following agencies are transferred to the Office of Natural Resources, Parks, and Recreation by a Type 2 transfer:

- (1) The Water Resources Research Institute;

- (2) The Cahaba River Commission;
- (3) The Fishing Reef Ship Commission;
- (4) The Tennessee-Mulberry Waterway Commission
- (5) The State Historical Chattahoochee Commission;
- (6) The Tannehill Furnace and Foundry Commission;
- (7) The Alabama Space Science Exhibit Committee;
- (8) The Advisory Board of Conservation and Natural Resources.

(c) Type 3 Transfers. The following agencies are transferred to the Office of Natural Resources, Parks, and Recreation by a Type 3 transfer:

- (1) The Division of State Parks, Monuments and Historical Sites;
- (2) The Little River Canyon Preservation Commission;
- (3) The Publicity and Information Advisory Board.

(d) Transfer of Agencies by Executive Order. The Governor may at his option by executive order transfer the following agencies created by executive order to the Office of Natural Resources, Parks and Recreation by the method of reorganization indicated:

- (1) The Task Force on Environmental Study—Type 3 transfer; and
- (2) The Mobile County Seafoods Advisory Commission—Type 2 transfer.
- (3) The Committee to Seek the Establishment of the Solar Energy Research Institute in the Huntsville Area—Type 3 transfer;
- (4) The Alabama Energy Management Board—Type 3 transfer.

“(e) Transfer of agencies to The Department of Archives and History. The statutory functions of the County Records Commission and the statutory functions of the State Records Commission are transferred to The Department of Archives and History; and the County Records Commission and the State Records Commission are abolished.”

Section 6. Office of Public Safety and Transportation. There is established in the Executive Department the Office of Public Safety and Transportation. The head of the Office is the Secretary of Public Safety and Transportation. The Office, through its units and officers, shall be responsible for the supervision and coordination of all programs and functions of state government pertaining to public safety, law enforcement, criminal justice (excluding corrections and institutional care), and transportation.

(a) Type 1 Transfers. The following agencies are transferred to the Office of Public Safety and Transportation by a Type 1 transfer:

- (1) The State Highway Department, which shall hereafter be designated and known as the Department of Transportation;
- (2) The Department of Public Safety;
- (3) The Department of Toxicology and Criminal Investigation;
- (4) The State Toxicologist;

(5) The Department of Civil Defense.

(6) The Alabama Peace Officers' Standards and Training Commission.

(b) Type 2 Transfers. The following agencies are transferred to the Office of Public Safety and Transportation by a Type 2 transfer:

(1) The Alabama Department of Aeronautics;

(2) The Alabama Criminal Justice Information Center Commission.

(c) Type 3 Transfers. The following agencies are transferred to the Office of Public Safety and Transportation by a Type 3 transfer:

(1) The Office of Coordinator of Highway Traffic and Safety;

(d) Transfer of Agencies by Executive Order. The Governor may at his option by executive order transfer the following agencies created by executive order to the Office of Public Safety and Transportation by the method of reorganization indicated:

(1) The Alabama Law Enforcement Planning Agency—Type 1 transfer or Type 2 transfer; and

(2) The State Supervisory Board of the Alabama Law Enforcement Planning Agency—Type 2 transfer.

### ARTICLE III. CONSTITUTIONAL OFFICES.

Section 1. Office of Secretary of State. The Office of Secretary of State established in Article V of the Constitution, as it is presently constituted, is continued, and the duties of that office are expanded as provided herein. The Secretary of State shall continue to exercise all the constitutional and statutory functions assigned to the office as of the effective date of this Act and may, when consistent with applicable laws, exercise the functions assigned herein to Secretaries of Executive Offices.

(a) Type 1 Transfers. The following agencies are transferred to the Office of Secretary of State by a Type 1 transfer:

(1) The State Ethics Commission; and

(2) The Board of Canvassers of Election Returns.

Section 2. Office of Commissioner of Agriculture and Industries; Department of Agriculture and Industries. The Office of Commissioner of Agriculture and Industries established in Article V of the Constitution, together with the Department of Agriculture and Industries, and the Board of Agriculture and Industries established in Title 2, Section 14 et seq., Code of Alabama 1940, Recompiled and amended, as they are presently constituted, are continued except as provided herein. The Commissioner and the Department shall continue to exercise the Constitutional and statutory functions assigned to them as of the effective date of this Act and may, when consistent with applicable laws, exercise the functions assigned herein to Secretaries of Executive Offices.

(a) Type 1 Transfers.

(1) Soil and Water Conservation Committee.

(b) **Type 2 Transfers.** The following agencies are transferred to the Office of Commissioner of Agriculture and Industries and the Department of Agriculture and Industries by a Type 2 transfer:

- (1) The Alabama Dairy Commission.
- (2) The Agricultural Center Board;

(c) **Type 3 Transfers.** The following agencies are transferred to the Office of Commissioner of Agriculture and Industries and the Department of Agriculture and Industries by a Type 3 transfer:

- (1) The Alabama Agricultural and Industrial Exhibit Commission;
- (2) The Farmers' Market Authority; and
- (3) The Fire Ant Study Commission.

**Section 3. State Board of Education; State Superintendent of Education; Department of Education.** The State Board of Education and the State Superintendent of Education provided for by Amendment 284 to the Constitution as presently constituted, are continued as provided herein above. The Board of Education and the State Superintendent of Education shall continue to exercise any Constitutional and statutory functions assigned them as of the effective date of this Act.

#### **ARTICLE IV. ABOLITION OF AGENCIES.**

**Section 1. Agencies Abolished.** The following agencies are abolished:

- (1) The State Social Security Advisory Board;
- (2) The State Sovereignty Commission;
- (3) The Advisory Council to the Governor's Committee on Employment of the Handicapped and the Employment of the Handicapped Liaison Group;
- (4) The Advisory Council on Factory-Built Housing;
- (5) The Radiation Advisory Board of Health;
- (6) The Beautification Board of the State of Alabama;
- (7) The Committee to Study Living Conditions in State Institutions;
- (8) The Civil Defense Advisory Council;
- (9) The Governor's Advisory Committee on Pornography;
- (10) The State Docks Advisory Committee;
- (11) The State Safety Coordinating Committee;
- (12) The Meat and Poultry Inspection Advisory Council;
- (13) The State Fire College Advisory Committee;
- (14) The Advisory Council to the Hospital Service Program for the Indigent;
- (15) The State Comprehensive Health Planning Advisory Council.

Section 2. Agencies Abolished. The following agencies are to be abolished by Executive Order:

- (1) The State Personnel Safety Committee;
- (2) The Alabama Energy Advisory Council;
- (3) The Committee on Industrial Development;
- (4) The Consumer Advisory Council;
- (5) The Veterans Training Board;
- (6) The Governor's Natural Resources Commission;
- (7) The Juvenile Correctional Study Committee;
- (8) The Alabama Youth Committee;
- (9) The Alabama Organized Crime Control Council;
- (10) The Alabama Revolution Bicentennial Commission;
- (11) The Student Leadership Commission; and
- (12) The Camp Sanitation and Advisory Committee.
- (13) The Office of Space Management.

#### ARTICLE V. ADMINISTRATIVE PROVISIONS.

Section 1. Commissioned Officers. All Secretaries of Executive Offices appointed hereunder shall obtain a commission before entering upon and exercising the duties of their respective offices in the same manner and upon the same terms and conditions applicable to those commissioned officers enumerated in Title 41, Section 10, Code of Alabama 1940, Recompiled and amended.

Section 2. Residence, Oath, Bond of State Officers. The provisions of Title 41, Sections 8 and 57, Code of Alabama 1940, Recompiled, concerning the residence, oath of office, and official bond required of State officers, shall apply to all Secretaries. Each Secretary shall, before entering on the duties of his office, execute to the State a bond in the amount of Fifty Thousand Dollars (50,000.00) for the faithful performance of his duties, same to be approved by the Governor.

Section 3. Classification and Compensation of Employees. Except as otherwise provided herein, all classified employees of an Executive Office and the units thereof shall receive salary and compensation in the amount fixed by the State Merit System Law. The Secretary of each Executive Office shall fix compensation for staff serving in the Office of the Secretary in amounts consistent with positions of comparable responsibilities under the pay plan applicable to the State Merit System. Persons appointed to and serving as Director of Management and Administrative Planning, Federal Programs Liaison Officer, Secretaries of any executive Office created herein or as head of any department or agency established as part of the reorganized Executive Department shall be in the exempt service of the State. The compensation of such persons shall be fixed in the amount and manner provided for herein and no such person so appointed or serving shall be required, by virtue of such appointment or service, to receive less compensation than such person is presently receiving should such officer, Secretary, department or agency head

currently be in the service of the State. It shall become the responsibility of each Secretary to determine that no employee be compensated by the State unless that person works full-time in the actual agency to which he or she is assigned for pay purposes.

Section 4. Applicability of Alabama Sunset Law of 1976. In accordance with Section 6 of Act No. 512 enacted at the 1976 Regular Session of the Legislature (Act No. 512), the life of the newly created agencies established herein is declared to be four (4) years. Such agencies shall be reviewed in accordance with schedule and requirements to be established by the Sunset Committee created by the Alabama Legislature.

#### ARTICLE VI. MISCELLANEOUS PROVISIONS.

Section 1. Effective Date. The reorganization of the Executive Department, as authorized and directed herein, shall become effective upon the commencement of the term of office of the Governor beginning in January of 1979.

Section 2. Budgets and Appropriations. In preparing budget proposals and appropriation legislation for the fiscal year October 1, 1978—September 30, 1979, the Governor, through the State Budget Officer, and the Legislative Fiscal Officer shall develop and prepare their respective budget proposals and recommended legislative appropriations to accommodate the provisions of this Act as follows:

(a) The first quarter of fiscal year 1978-1979 (October 1, 1978—December 31, 1978) and, in addition, the period January 1 through January 15, 1979, shall be budgeted, appropriated and allotted on the same basis as the previous period of fiscal year 1977-1978; and

(b) The remaining period of fiscal year 1978-1979 (January 16, 1979 through September 30, 1979), during which the provisions of this Act shall be in effect, shall be budgeted, appropriated and allotted on the basis of the reorganized Executive Department as provided herein.

Section 3. Restrictions on State Employment. In the preparation of the budgets for fiscal year 1980-81 and for each year thereafter, the Governor shall establish by Executive Order the maximum number of persons which may be employed by each of the Cabinet Offices, thereby restricting total employment by all agencies assigned to each Office. Each Secretary shall be responsible for demonstrating to the Governor and to the Legislature the manner in which these numerical restrictions on employment may be effectively maintained. Specified employment levels shall be enforced by the Governor. The Governor shall retain the authority to order any reductions in employment necessary at any level of state government to assure full compliance with the original restrictions contained in the budgets.

Section 4. Cabinet Appointments. The Governor elected in the General Election of 1978 and whose term commences in January of 1979, shall structure the Executive Department and make appointments to his cabinet and to the Executive Offices here created on the basis of the provisions of this Act.

Section 5. Evaluation and Future Reorganization. The several Secretaries appointed to the Executive Offices provided for herein are, in addition to their administrative duties, charged with the further responsibility of reviewing and evaluating the Executive Office which they

head for the purpose of further reorganization and consolidation. Each Secretary shall report to the Governor prior to the commencement of the Legislative session of the State Legislature 1980 specific plans for the further internal reorganization of their respective offices. The Governor, in turn, shall report to the Legislature on the first legislative day of the Regular Session 1980, comprehensive and detailed plans for the future reorganization of the Executive Offices created and the consolidation of units of government assigned thereto and shall cause to be filed a bill of reorganization. Such reorganization plan submitted by the Governor in bill form shall contain proposals which achieve a minimum of five percent (5%) reduction in overall administration and operating costs for the respective Executive Offices for the fiscal year commencing on October 1, 1980. The failure of either or both the House of Representatives and Senate to reject such reorganization recommendations shall constitute approval thereof. In the absence of disapproval, the budget proposal and the appropriation adopted for the fiscal year 1980-1981 shall reflect such reorganization and cost reductions.

Section 6. Agencies not Specifically Named. Any department, agency, unit or function of the Executive Department of government, as defined herein, not specifically assigned to an Executive Office or Constitutional Office under the provisions of this Act, unless specifically excepted from this Act, shall advise the Governor by written report not more than ninety (90) days following the effective date of this reorganization, stating the designation of such department, agency, unit or function, its purpose and present organization and its recommendation for the inclusion of such department, agency, unit or function within the reorganized agencies of the Executive Department. Following such written notification, the Governor shall have the authority within thirty (30) days to assign or abolish by Executive Order any such agency not specified in this Act to an Executive Office or constitutional office under this Act.

Section 6. Classified Employees. All rights and privileges afforded by the State Merit System Law to classified employees, as they pertain to compensation, employment, reemployment, benefits and all other aspects of service, shall be preserved and not impaired in any wise by the provisions of this Act.

Section 7. Retirement Systems and State Agency for Social Security. The Employees Retirement System of Alabama, the Teachers Retirement System of Alabama and the Peace Officers Annuity Fund are not subject to the provisions of this Act except that hereafter the functions of the State Agency for Social Security are, by Type 3 transfer, to be administered by the Office of the Secretary-Treasurer of the Employees-Teachers Retirement System, and such agency is hereby transferred to the retirement systems, being a Type 3 transfer.

Section 8. Bonded Indebtedness and Contractual and Statutory Obligations. Nothing contained in this Act or any of the provisions thereof shall in any way be construed to limit, impair, nullify, or in any way affect constitutional or statutory obligations of the State or any agency thereof with respect to bonded indebtedness or other contractual or statutory obligations. All of same are to be continued in full force and effect in the manner now provided by appropriate constitutional or statutory provisions and are to be continued by the existing agency or assumed by the newly constituted agency, as the case may be.



Section 9. Severability. In the event any article, section, sentence, clause or provision of this Act shall be declared invalid by a court of competent jurisdiction, such declaration shall not affect the validity of the remaining articles, sections, sentences, clauses or provisions of this Act, which shall continue effective.

Section 10. Repeal of Conflicting Laws. All laws and parts of laws that are in conflict with any of the provisions of this Act are, to the extent of such conflict, repealed.

Section 11. Effective Date. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### ADJOURNMENT

At 3:30 P.M., on motion of Mr. McDonald (S), pending further consideration of S. B.'s 542, 148 and H. B. 86, the Senate adjourned until Thursday, April 14, 1977, at 10 o'clock A.M.

